The motion was adopted.

THE DEPUTY CHAIRMAN: We shall not take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 and the Schedule were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI SHANTARAM POTDUKHE: Madam, I beg to move:

"That the Bill be returned."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Now, we would take up the Constitution (Seventy-Second Amendment) Bill, 1991 and the Constitution (Seventh-Third Amendment) Bill, 1991. I ask Mr. Venkat Swamy to move the Constitution (Seventy-Second Amendment) Bill, 1991.

I. THE CONSTITUTION (SEVENTY-SECOND AMENDMENT) BILL, 1991

II. THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) BILL, 1991

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (DEPARTMENT OF RURAL DEVELOPMENT) (SHRI G. VENKAT SWAMY): Madam Chairman, Sir,...

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Sir, please address her as 'Madam', not 'Sir'.

THE DEPUTY CHAIRMAN: Never mind.

SHRI G. VENKAT SWAMY: It is a slip of the tongue, I am sorry.

SHRI VITHALRAO MADHAVRAO JADHAV: Madam, sometimes people think you to be 'Sir'.

THE DEPUTY CHAIRMAN: We would have to make a constitutional amendment whether I am 'Madam' or 'Sir'

SHRI G. VENKAT SWAMY: Madam, I beg to move:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

I want to say something, Sir, regarding this Bill.... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Never mind. Never mind.

श्री जी० वेंकटस्वामी : अगर आप इजाजत दें तो मैं हिन्दी में बोलूं ।

SHRI V. GOPALSAMY (TAMIL NADU): If he has started making his speech in English, why is he switching over to Hindi? That is very wrong.

उपसभापति : उनको बोलने दीजिये । हिन्दी में बोलिये उसमें सर और मैडम का चक्कर नहीं होता ।

SHRI V. GOPALSAMY: Because he addressed the Chair as 'Sir', he switched over to Hindi... (*Interruptions*)...

उपसभापति : अगर वे हिन्दी में बोलना चाहते हैं तो आप क्यों ऐतराज कर रहे हैं ?

श्री विठ्ठलराव माधवराव जाधव : हिन्दी हमारी राष्ट्र-भाषा है, हम हिन्दी में सुनना चाहते हैं ।

उपसभापति : इसमें लड़ाई-झगड़ा नहीं होगा ।

We are not discussing Hindi or English. बोलिये, आप जरूर हिन्दी में बोलिये ।

श्री जी० वेंकटस्वामी : मैं इस 72वें अमेंडमेंट बिल, जो अभी-अभी लोकसभा से पास होकर राज्यसभा में आया है,

[श्री जी० वेंकटस्वामी]

जिसे मैंने अभी इस सदन के सामने स्वीकृति प्रदान करने हेतु प्रस्तुत किया है, इस सिलसिले में जो मेन प्वाइंट्स हैं, मैं ज्यादा वक्त नहीं लूंगा, थोड़े सा वक्त लेकर मैं इसको पूरा करने की कोशिश करूंगा।

इस बिल का जो मकसद है यह डीसेन्ट्रलाइजेशन करना है, पावर्स को ग्रास रूट लेवल तक ले जाना है और कई सालों से, महात्मा गांधी जी के समय से चले आ रहे इस सपने को हम आज पूरा करने जा रहे हैं। ग्राम लेवल में भी पंचायत बिल को लाकर वहां के लोगों के अंदर एक नया उत्साह पैदा करने का हमारा बुनियादी मकसद है। इसमें यह कहना जरूरी हो जाता है कि स्वर्गीय राजीव गांधी जी ने हर स्टेट में जाकर इस मामले में, इस बिल को तैयार करने मे काफी मेहनत की थी और उन्होंने यह कहा था कि यह बिल अगर पास हो जायेगा तो ग्रास रूट लेवल पर हमारे जो लोग हैं, पिछड़े हुए लोग हैं, शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के जो लोग हैं और पार्टिक्युलरली वोमेन, जो स्त्री हैं, ऐसे सारे के सारे लोगों में एक जागृति आ सकती है। इस बिल का मैन उद्देश्य यह है कि इलेक्शन पांच साल में एक मर्तबा होना जरूरी है। आप जानते हैं कि हमारे कई राज्यों में कई सालों तक इलेक्शन नहीं होते, कई सालों से वे वगैर इलेक्शन के पड़े हुए हैं तो इसको कांस्टिट्यूशनल स्वरूप देकर पांच साल में एक बार इलेक्शन होकर ही रहना है, कोई इसको डिनाय न कर सके, अंडर दि कांस्टिट्यूशन यह जो है, एक ही महत्वपूर्ण चीज को हम इस बिल के माध्यम से लाये हैं। पांच साल के दौरान अगर कोई पंचायत, जिला परिषद और मंडल किसी तरह से भंग हुई तो उसको 6 महीने के अन्दर इलेक्शन कराना पड़ेगा। इसको भी इस बिल के अन्दर रखा गया है ताकि भंग होने के बाद किसी न किसी तरह से रोक देने के बाद स्टेट गवर्नमेंट को 6 महीने के अन्दर चुनाव कराना पड़ेगा जैसे कि असेम्बलीज़ और पार्लियामेंट मैम्बर्स का होता है। मैं इस चीज को आपके सामने इसलिए ला रहा हूं कि इसमें हमारे देश के पिछड़े हुए लोग हैं और सब से महत्वपूर्ण चीज यह है कि जो शैड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स के लोग हैं उनको पूरी तरह से इसमें रिप्रेजेंटेशन दिया गया है। यही नहीं, बिलकुल डायरेक्ट इलेक्शन होगा। ग्राम पंचायत, ब्लाक से ले कर और जिला परिषद् तक डायरेक्ट इलेक्शन होंगे। वह जो लोग इलेक्ट होंगे चेयरपर्सन को इलेक्ट कर लेंगे। इतना ही नहीं वन थर्ड रिप्रेजेंटेशन स्त्रियों को दिया गया है। यह पहली मर्तबा स्त्रियों के लिए मौका मिला है। डायरेक्ट इलेक्शन मैम्बर का ही नहीं बल्कि चेयरपर्सन के लिए भी उनका रिज़र्वेशन इसमें लाया गया है। तो यह बहुत ही एक नये ढंग से एक नयी डेमोक्रेसी ग्रास रूट लेवल से हम लाने की कोशिश कर रहे हैं।

Election to be conducted independently by the State Election Commissioner—

वन मैन कमिश्नर को हमने इसमें इलेक्शन इंडीपेंडेंटली कंडक्ट कराने के लिए ही रखा है ताकि चुनाव में कोई नीचे से ऊपर न हो और किसी किस्म का मतभेद न हो। यह बहुत ही इम्पोर्टेंट है।

Provision of State Finance Commission for sound finance of Panchayats

यह फाइनेंस कमिशन बहुत ही इम्पोर्टेंट है क्योंकि जब कभी पंचायत के इलेक्शन हो जाते हैं तो उनके पास फण्ड्ज़ रहते ही नहीं हैं और वह पंचायतों को चला ही नहीं सकते हैं। इसलिए उसके लिए भी प्रोविज़न रखा है ताकि उनको फण्ड्ज़ के लिए स्टेट गवर्नमेंट की तरफ से उनको पूरी मदद पहुंचे और पंचायतें अच्छी तरह से अपना काम कर सकें। सही मायने में इस बिल का मेन उद्देश्य भी यही है। अगर पंचायतों को फाइनेंस नहीं पहुंचता है तो वह काम नहीं करसकती है।

Powers and authority to be devolved on Panchayat in addition to the Subjects listed in Eleventh Schedule—

यह इलेवंथ शैड्यूल बहुत ही इम्पोर्टेंट है। जो जो काम पंचायतों के जरिये करना है वह इलेवंथ शेड्यूल में रखा गया है। इलेवंथ शैड्यूल बहुत ही इम्पोर्टेंट है इस पंचायती राज के अन्दर और उसके अन्दर जो जो काम कर सकते हैं उन सारी चीजों को भी हमने इस बिल के अन्दर रखा है। सारे मैम्बरान उसको देख सकते हैं कि किस तरह से हमने इस बिल में इसको लाने की कोशिश की है। पंचायती राज के जो मुख्य उद्देश्य हैं उन सारे उद्देश्यों को हमने लाने की कोशिश की है। मैं आपसे कहना चाहता हूं और मैं यह ख्वाहिश करता हूं, आप जानते हैं कि राज्य सभा में पंचायती राज बिल एक बार डिफीट हुआ था, बड़ी कोशिशों के बाद, बड़ी मुद्दत के बाद इस बिल को हम बड़े उत्साह के साथ ला रहे हैं, लोक सभा के मैम्बरों ने इसको पास किया है, जिस उत्साह के साथ लोक सभा के मैम्बरों ने पास किया है, मुझे पूरी उम्मीद है कि राज्य सभा के सारे मेम्बरान भी इसको पास करेंगे। एक दो अमेंडमेंट आए हैं, मैं उम्मीद करता हूं कि उनको वापिस ले लेंगे और इस बिल को पास करेंगे। जो अंधकार ग्रामों के अन्दर है उस अंधकार को निकालने के लिए बुनियादी पावर लोगों के हाथ में, गरीबों के हाथ में मिल रही है तो मैं समझता हूं कि सारे के सारे मैम्बरान इसको सपोर्ट करेंगे। इन चंद अल्फाज़ के साथ मैं एक बार फिर सारे मैम्बरान से ख्वाहिश करता हूं कि वे इसको पास करें। धन्यवाद।

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI SHIELA KAUL): Madam, I beg to move:

> "That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, bt taken into consideration."

Madam, I would like to explain a few things. This House is fully aware that as early as 1989 the then Prime Minister Shri Rajiv Gandhi, committed as he was to strengthen democracy at the grass root level, had introduced two Constitution Amendment Bills for according Constitutional status to the Panchayats and Nagarpalikas. Unfortunately, at that time, the Bills could not be carried through in the Rajya Sabha.

The Constitution (73rd Amendment) Bill pertaining to Nagarpalikas was intrdouced in the Lok Sabha on the 16th September, 1991. This Bill was referred to a Joint Parliamentary Committee consisting of representatives from both the Houses. I am indeed grateful to the Members of the Joint Parliamentary Committee and in particular to its Chairman, Shri Singh Deo, for the efforts they have made going through the various provisions of the Bill in detail and for making their recommendations. The Committee has given its recommendations after hearing the views of various experts. The Committee also had the opportunity of visiting various municipalities and having detailed discussions with the elected representatives and officials of the municipal governments as well as State Governments.

Certain apprehensions have been expressed from time to time that this Bill could encroach upon the States' rights. Let me assure you that we have displayed utmost sensitivity to the basic framework of the Constitution and the Centre-State relationship enshrined in the Constitution. The entry of the State List remains untouched. The authority of State Legislature is, in no way; sought to be diminished. We are only amending the Constitution and we are not interfering, in any way, with the States in regard to drafting of municipal laws. As would be clear from a reading of the Bill, we have left important matters to be decided by the State Legislatures or the State Governments. All we seek to do through this Constitution Amendment Bill is

[Shrimati Shiela Kaul]

to lay down a basic framework which will ensure that the urban local bodies are in a position to function effectively as democratic units of self-government.

Having regard to the present inadequacies and with a view to restore the rightful place in political governance for urban local bodies it is considered necessary that they should be provided with a Constitutional status and necessary provisions to: (a) ensure regular and fair conduct of elections; (b) ensure term of five years for elected urban local bodies and election within six months in cases of supersession; (c) provide for specific representation for women and the Scheduled Castes and the Scheduled Tribes; (d) provide the devolution of functions and powers to municipalities; and (e) provide for constitution of a State Finance Commission every five years to ensure regular devolution of resources to local bodies.

The Constitution Amendment Bill which is before you for your consideration constitutes but the first stage of a process. Once these Bills are enacted we must carry this process forward by ensuring appropriate amendments to State legislations and thereafter ensuring effective executive implementation. I am glad to inform this House that the Lok Sabha after due consideration has passed this Bill in its sitting on 22-12-92. Thank you. I now seek leave of the House to take up for consideration the Constitution (73rd Amendment) Bill, 1991 as passed by the Lok Sabha. Thank you.

श्रीमती सुषमा स्वराज (हरियाणा) : उपसभापति महोदया, संविधान का 72वां और 73वां संशोधन विधेयक अभी-अभी दो मंत्रियों ने सदन में बहस और पारित करने के लिए रखा है।

महोदया, जिस अफरा-तफरी में यह विधेयक चर्चा के लिए लाये हैं और जिस तरह दो-तीन घंटे की बहस के बाद ही इनके पारित करने का समय रखा गया है, वह बेहद आपत्तिजनक है।

[उपसभाध्यक्ष (श्री शंकर दयाल सिंह) पीठासीन हुए]

इतने महत्वपूर्ण संशोधन, सत्र के आखिरी दिन आएं, बढ़ाए हुए दिन पर आयें और कार्यसूची में दर्शाये बिना आयें, इससे बड़ी अफसोसनाक बात और नहीं हो सकती। किंतु लगता है कि इस बिल के साथ जो एक पृष्ठ-भूमि जुड़ी हुई है, जिस पृष्ठ-भूमि ने इसे अपशकुनी बिल की संज्ञा दे दी है कि जब भी यह बिल पारित कराने के लिए लाया जाता है, तो सरकार चली जाती है—उसके चलते शायद किसी ने सरकार के लोगों को यह बताया हो, शासकों को यह बताया हो कि एक बार हड़बड़ी में ले जा करके इसको पास करा डालो, तभी यह पास होगा। तभी इसकी मनहूसियत टलेगी। शायद इस कारण से इसको इस गुपचुप तरीके से लाया गया है।

लेकिन आप तो गांधीवादी हैं, महोदय। मझे बहुत ही प्रसन्नता हुई, आप पीठ पर आसीन हुए हैं इस समय कि जब मुझे इसके ऊपर बोलना है। आप जानते हैं कि सरकार चाहे कोई भी प्रक्रिया अपनाये, इस बिल का जो कन्टेंट है, उसके महत्व को कम करके नहीं आंका जा सकता।

महोदय, पंचायत किसी भी प्रजातांत्रिक प्रणाली की नींव संस्था होती है और आप जानते हैं कि हमारे यहां तो स्वतंत्रता संग्राम के समय से इस बात पर बल दिया जाता रहा कि पंचायत हमारी शासन व्यवस्था की एक प्रमुख इकाई होनी चाहिए।

महात्मा गांधी राष्ट्रपिता थे, स्वतंत्रता आंदोलन के जनक थे। राष्ट्रपिता महात्मा गांधी ने तो पंचायत की जो कल्पना

की थी, वह बहुत अभूतपूर्व थी। आपने तो उनके "हिंद स्वराज" के लेख भी पढ़ हैं। आपको उनके सम्पर्क में शायद सीधे आने का तो मौका नहीं मिला होगा, लेकिन उस विचारधारा से आप जुड़े रहे हैं। आप जानते हैं कि महात्मा गांधी ने पंचायत की कल्पना एक कंप्लीट रिपब्लिक के तौर पर की थी, एक पूर्ण गणतंत्र यानि एक ऐसी इकाई, जो स्वतंत्र होगी, जो स्वायत्त होगी, जो आत्म-निर्भर होगी और अपनी इस कल्पना को शाब्दिक रूप भी उन्होंने हिंद स्वराज के लेख में दिया था। वह सारा पढ़ने का समय तो नहीं है, लेकिन एक लाईन उसकी मैं पढ़ना चाहूंगी। "हिंद स्वराज" में गांधी जी ने लिखा था--

"My idea of the village Swarajya is that it is a complete republic, independent of its neighbours on its vital wants and yet interdependent on many others in which independence is a necessity."

यानी स्वतंत्र भी हो, स्वायत्त भी हो और आत्म-निर्भर भी—ऐसी पंचायती व्यवस्था की कल्पना गांधी जी ने की थी और वह चाहते थे कि जब भारत स्वतंत्र हो, उसके बाद जो संविधान बने, उस संविधान में हमारी शासन व्यवस्था के एक अंग के रूप में पंचायत को अंगीकार किया जाए। लेकिन मुझे बड़े अफसोस के साथ कहना पड़ता है, महोदय, कि गांधी जी की इस प्रबल इच्छा की अनदेखी हमारे संविधान निर्माताओं ने की और शासन व्यवस्था के अंग के रूप में पंचायत को नहीं अपनाया। लेकिन बहुत लोगों का आग्रह था संविधान सभा में और वह चाहते थे कि कहीं न कहीं इसको स्थान जरूर मिलना चाहिए। उस आग्रह को वह नहीं टाल सके। इसलिए उन्होंने संविधान में इसको जगह तो दी, शासन व्यवस्था के अंग के रूप में नहीं, इकाई के रूप में नहीं, लेकिन संविधान की नीति निर्देशक सिद्धांतों के तहत इसको उन्होंने जगह देनी चाही। संविधान की धारा 40 जो नीति निर्देशक सिद्धांतों से संबंधित है, उसमें इसको अपनाया गया और धारा 40 में यह प्रावधान किया गया। "आर्गेनाइजेशन आफ विलेज पंचायत" उसका शीर्षक था—

"The States shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-Government."

मैं इस चीज के ऊपर थोड़ा ध्यान दिलाना चाहूंगी, एज यूनिटस आफ सैल्फ-गवर्नमेंट—यह संविधान की धारा 40 के अंदर आया। लेकिन मुझे अफसोस से कहना पड़ता है, महोदय, कि इस सिद्धांत की पालना कम, अवमानना ज्यादा हुई। पंचायतों की रचना तो विभिन्न राज्य सरकारों ने की, लेकिन धीरे-धीरे ज्यों-ज्यों युग परिवर्तित होता गया और विकेंद्रीकरण का सिद्धांत केंद्रीयकरण की तरफ बढ़ता गया, त्यों-त्यों पंचायत बिलकुल एक रिडंडेंट इंस्टीट्यूशन बन कर रह गई, पंचायत निष्प्रभावी संस्था बन कर रह गई। दस-दस पंद्रह-पंद्रह साल पंचायतों, नगर-पालिकाओं के चुनाव राज्य सरकारों ने नहीं करवाये। मैं स्वयं जिस राज्य से आती हूं, उस हरियाणा में सोलह साल तक नगरपालिका के चुनाव नहीं हुए। अंत में लोगों को हाई कोर्ट में जाना पड़ा रिट दाखिल करनी पड़ी। ऐसा केवल हरियाणा में नहीं हुआ, ऐसा बहुत से कांग्रेस शासित राज्यों में हुआ मुझे यहां कहना पड़ा बहुत से कांग्रेस शासित राज्यों में हुआ। महाराष्ट्र और गुजरात को अगर अपवाद के तौर पर छोड़ दें तो बाकी तमाम राज्य, जहां पंचायतें निष्प्रभावी हुई, दुर्भाग्य से कांग्रेस शासित राज्य थे। मुझे एक बात और दुख से कहनी पड़ती है। कुछ चीजों की अवमानना तो चोरी-छिपे होती है, गुप-चुप होती है, लेकिन यहां तो जग जाहिर अवमानना की गई जब लोग हाई कोर्ट में गए। उत्तर प्रदेश में एक मुकदमा हुआ अनुग्रह नारायण सिंह वर्सेस स्टेट आफ यू० पी० लोग जब पैटीशंस में गए तो राज्य सरकारों ने बेहयाई से हलफनामें दाखिल करके यह कहा कि पंचायतों को सुपरसीड करना तो संवैधानिक है। पंचायतों के चुनाव न करा करके प्रशासक बैठाना कोई अवैध नहीं है। बहुत दुख से यह बात कहनी पड़ती है

[श्रीमती सुषमा स्वराज]

और मैं उस हलफनामें की दो लाइनें, दो वाक्य पढ़ना चाहूंगी। महोदय, अनुग्रह नारायण सिंह बर्सेस स्टेट आफ यू०पी० में जब पैटीशनर्स गए तो मैं जजमेंटस से पढ़ना चाहती हूं। इलाहाबाद हाई कोर्ट की जजमेंट जो अनुग्रह नारायण सिंह के केस में निर्णय दिया गया, अपने आप में बहुत ऐतिहासिक निर्णय है। उसमें उन्होंने लिखा है, मैं यह एक पैराग्राफ आपकी अनुमति से पढ़ना चाहती हूं :

"There have been petitions pending for many years complaining that to supersede local bodies with elected representatives as functionaries is unconstitutional."

यह उनका आरोप था ।

"The petitioners, in some petitions have pleaded that there must be a return to local self-governments."

जरा इन शब्दों को आप देखेंगे ।

"The petitioners have been confronted with vehemence by the State Governments and particularly by the local body of this city, as constituted without elected representatives there."

आगे के शब्द हैं ।

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): That city was Allahabad.

SHRI SUSHMA SWARAJ: Yes, the city was Allahabad.

जो आगे की बात पढ़ रही हूं जरा ध्यान देने योग्य है। क्या इन्होंने आर्गूमेंट किया, इन्होंने क्या लाजिक दिया :

"To supersede a local government is Constitutional and the basis to that has been justified by law which permits this to happen."

यह जजेज कह रहे हैं ।

"The defence of the state is given the occasion the right to supersede a local body is inherent in the State and cannot be questioned."

यह राज्य सरकारें जा करके हलफनामें दाखिल करती हैं और कहती हैं कि लोकल बाडीज को सुपरसीड करना संवैधानिक है, वैध है। किसी तरह का अवैध काम या किसी तरह का असंवधानिक काम हम लोग नहीं कर रहे हैं। यह तो जजज ने एक हिस्टोरिकल जजमेंट दिया जिसके माध्यम से बाद में वह चीज पलटी। लेकिन मैं आपसे यह कहना चाहती हूं कि केवल यही नहीं, कुछ राज्य सरकारों ने अपने यहां पंचायती संस्थाओं को सुदृढ़ करना चाहा। उन्होंने अपने-अपने अलग-अलग एक्ट बनाए। मौजूदा जो एक्ट थे उनके अन्दर संशोधन किए। कर्नाटक इसका उदाहरण है। कर्नाटक ने चुनावी अनिवार्यता निरुपित करते हुए एक एक्ट बनाया शैड्यूल्ड कास्टस शैडयूल्ड ट्राइब्स विमेंस को रिप्रेजेंटेशन दिया। मध्य प्रदेश की भारतीय जनता पार्टी की सरकार ने एक्ट बनाया। उन्होंने शडयूल्ड कास्ट्स शैड्यूड ट्राइब्स और विमेंस को रिप्रेजेंटेशन दिया। पश्चिमी बंगाल, दीपेनदा कह रहे हैं उनको लगता है जैसे मैं उनकी बात कहना भूल जाऊंगी, अगर आपने कोई प्रशंसनीय कार्य किया है तो सब से पहले मैं उसका जिक्र करूंगी, भूलूंगी नहीं। पंचायत के मामले में... **(व्यवधान)**

श्री सुरेश पचौरी : (मध्य प्रदेश) आपकी आज्ञा हो तो...

श्रीमती सुषमा स्वराज : : आप को शायद बोलना हैं पचौरी जी, तब बोल लीजिएगा ।

श्री सुरेश पचौरी : प्वायंट आफ इन्फर्मेशन केवल, अगर आप आज्ञा दें ?

श्रीमती सुषमा स्वराज : मैं बैठने को तैयार हूं ।

श्री सुरेश पचौरी : जो आपने मुद्दा उठाया है कि भारतीय जनता पार्टी... **(व्यवधान)**

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : कृपया बैठें। बैठ जाइये। आप को अगर आज्ञा लेनी हो तो चेयर से ले सकते हैं, आप माननीय सदस्य से नहीं।

श्री सुरेश पचौरी : हम आपकी आज्ञा चाह रहे हैं।

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : इसलिए आप पुनः उठ कर आज्ञा मुझ से लें, तब अपनी बात कहें।

श्री सुरेश पचौरी : मान्यवर, मैं आपकी आज्ञा से माननीया सदस्या का ध्यान आकर्षित करना चाहूंगा कि मध्य प्रदेश की भारतीय जनता पार्टी का जो जिक्र उन्होंने किया है उस भारतीय जनता पार्टी के दौर में पंचायत के चुनाव मध्य प्रदेश में नहीं हुए, लिहाजा आरक्षण का प्रश्न ही नहीं उठता है। नंबर दो, जो निर्वाचित पंचायतें थीं साढ़े ग्यारह हजार पिछले दिनों हमने इसी हाउस में उस मुद्दे को उठाया है।

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : पचौरी जी, आप बोल भी रहे हैं। ...(व्यवधान)

श्री सुरेश पचौरी : भंग करके... (व्यवधान)...लोगों को नामांकित किया गया।

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : पचौरी जी आप बोल भी रहे हैं।... (व्यवधान)

श्रीमती सुषमा स्वराज : : महोदय, मैं चाह रही थी कि वह अपने समय पर बोलें, लेकिन जब उन्होंने यह बात कही है तो मैं बता दूं कि जिस चीज के बारे में मालूम हो, उसके बाद भी उसको छिपाकर बोलना सही बात नहीं है। जानते हैं पचौरी जी कि चुनाव क्यों नहीं हुए। इस एक्ट के पास होने के बाद जब चुनाव कराने की बात आई तो कुछ लोग कोर्ट में चले गए और कोर्ट में उन्होंने कहा कि क्योंकि कांस्टीटुएंसीज का आपने रिफार्म नहीं किया इसलिए वह नहीं हुए और कोर्ट ने स्टे दे दिया। इस तथ्य को पचौरी जी भली-भांति जानते हैं, सदन में उसे न छिपाकर कहें तो ज्यादा अच्छी बात है।

तो मैं कह रही थी कामरेड दीपेन दा कि पश्चिम बंगाल की पंचायती संस्थाओं का जहां तक सवाल है, रिकार्ड बहुत अच्छा रहा है। इसीलिए मैंने जिस समय कहा कि जहां चुनाव नहीं हुए वहां कांग्रेस शासित राज्यों का खास तौर पर जिक्र किया क्योंकि दूसरे दलों की जब सरकारें आई तो उन्होंने पंचायती संस्थाओं को प्रभावी बनाने के लिए कदम उठाए हैं और पश्चिम बंगाल में जब से वामपंथियों का राज रहा है, पंचायतों के चुनाव समय पर हुए हैं, अनिवार्य अवधि के अंदर हुए हैं और बहुत अच्छा रिकार्ड रहा है। इसमें मैं तो स्वयं आपकी प्रशंसा करना चाहती हूं। आपको इशारा कर के प्रशंसा करवाने की जरुरत नहीं है।

श्री संघ प्रिय गौतम: (उत्तर प्रदेश) : निन्दा तो इस बात की है कि कांग्रसियों से मिले हुए हैं ये।

श्रीमती सुषमा स्वराज : तो मैं कह रही थी कि जिन सरकारों ने पंचायतों को सुदृढ़ करने के लिए अपने यहां कदम उठाए वहां भी उनकी उत्तराधिकारी सरकारों ने आकर उन कानूनों में संशोधन कर के उन प्रभावों को निरस्त कर दिया, यह अफसोसनाक बात है। मैं कर्नाटक का उदाहरण दे रही थी कि कर्नाटक में जब यह एक्ट बना जिसमें कि उन्होंने यह कहा कि 5 वर्ष की निर्धारित अवधि के अंदर चुनाव जरुर होंगे, एक अवधि निर्धारित कर दी उन्होंने। उसके बाद जब कांग्रेस की सरकार आई तो उन्होंने उस कानून में भी संशोधन कर के उस चुनाव की जो अनिवार्यता थी, उसको निरस्त कर दिया। यह अफसोसनाक बात है। उन्होंने वहां प्रशासक बिठा दिया। हो सकता है कि जैसे पचौरी जी बोले, अगर कर्नाटक के कोई माननीय सदस्य बैठे होते, हनुमनतप्पा जी वगैरा तो वह यही बात कहते कि नहीं, हमने तो इसलिए निरस्त किए, इसलिए प्रशासक बिठाया क्योंकि यह बिल यहां पार्लियामेंट में पेंडिंग था और इस बिल के पास होने का हम इंतजार कर रहे थे। महोदय, यह बात मैं कल्पना से नहीं कह रही हूं बल्कि इसलिए कह रही हूं कि जब कर्नाटक के लोग हाईकोर्ट में गए तो

[श्रीमती सुषमा स्वराज]

वहां कर्नाटक की सरकार ने यही प्ली ली, कर्नाटक की सरकार ने यही आर्गुमेंट किया कि क्योंकि पार्लियामेंट में एक बिल पेंडिंग है इसके ऊपर, हम उसका इंतजार कर रहे हैं । महोदय, मुझे यह बात समझ नहीं आती क्योंकि तर्क हास्यास्पद जरूर होते हैं, लेकिन बेहूदगी की हद तक कोई तर्क हास्यास्पद हो जाएगा, इसके बारे में क्या कहा जाय ? यानी जो बिल पार्लियामेंट में पेंडिंग था, उस बिल की भावना निर्धारित अवधि में चुनाव करवाने की थी और उस बिल की भावना के अनुरूप वह चुनाव कराने में विलंब किया जा रहा है, यह बेहूदा और हास्यास्पद तर्क देकर कर्नाटक की राज्य सरकार ने अपने केस की पैरवी की, लेकिन मुझे बहुत खुशी है कि कर्नाटक की हायकोर्ट ने एक ऐसा ऐतिहासिक निर्णय दिया है पंचायत संस्थाओं के बारे में जोकि 'एक मील का पत्थर' साबित होगा। महोदय, मेरे पास उस जजमेंट की प्रति है। वह बहुत बड़ा जजमेंट है । उसमें बहुत अच्छे पैराग्राफस लिखे गए हैं जोकि कोटबल भी है । मैं बहुत थोड़ा समय लेकर इस में से केवल दो-तीन चीजें पढ़ना चाहूंगी जोकि आज के इस संदर्भ में बहुत ही प्रासंगिक हैं । महोदय, एक बात तो उन्होंने जो बहुत सुंदर कही वह यह है कि

"If local government is the fabric of the Constitution, then it must function in continuity."

तो इसको निरंतरता में काम करना चाहिए ।

"...then it must funntion in continuity except where its dissolution or supersession is for a very temporary period."

जिसका कि प्रावधान 6 महीने का एक्ट में भी है, कर्नाटक के एक्ट में भी था, लेकिन एक बहुत ही अच्छी बात कही उन्होंने कि

"The process which degrades local self government to local government."

महोदय, मैंने जब आर्टीकल-40 पढ़ा था तो आपसे कहा था कि मैं इस पर ध्यान दिलवा रही हूं "units of self-government".

संविधान की जो भावना थी, वह यह थी कि यह सेल्फ गवर्नमेंट की यूनिट के तौर पर वर्क करेगी । उसको बहुत ही सुंदर भाषा में कर्नाटक की हायकोर्ट के न्यायाधीशों ने इसमें लिखा है

"The process which degrades local self-government to local government is hostile to the text of Constitution and is arbitrary to the core as it is laying down the foundation for the destruction of parliamentary government which cannot exist except for its roots in local self-government."

इतने खूबसूरत शब्दों के अंदर यह बात उन्होंने कही है । तो वही मैं कहना चाहती हूं कि संविधान में जिस समय लोकल यूनिटस की, स्थानीय निकायों की कल्पना की गयी थी तो यह नहीं की थी कि प्रशासक राज्य सरकारें उन स्थानीय निकायों का प्रशासन चलाएंगी बल्कि यह की थी कि जनता अपने चुने हुए प्रतिनिधियों के माध्यम से अपना शासन चलाएगी । इसीलिए इसमें एक जगह और यह कहा है, इस लोकल गवर्नमेंट के मायने है—

'Government by the people, of the people, for the people, not administrators appointed by the State Governments.'

यह बात भी इन्होंने कही है । तो मैं यहां यह कहना चाहती हूं कि चूंकि इस तरह के वाकयात हो रहे थे, जिन राज्य सरकारों ने स्वयं अपनी तरफ से पहल करके पंचायतों को सुदृढ़ करने की कोशिश की वहां भी उनकी उत्तराधिकारी सरकारों ने उनको निष्प्रभावी बनाया, तो यह बेहद जरूरी हो गया कि संसद की तरफ से ही एक ऐसा संविधान संशोधन आए, जिससे पंचायत को शासन व्यवस्था

की एक संवैधानिक इकाई के रूप में माना जाए । आज चूंकि यह विधेयक इसी दिशा में उठाया गया एक कदम है, इसलिए मैं इस विधेयक का स्वागत करने के लिए खड़ी हुई हूं, समर्थन करने के लिए खड़ी हुई हूं । वाकई में यह एक मील का पत्थर साबित होने वाला है ।

उपसभाध्यक्ष महोदय, जहां तक इसके प्रावधानों का सवाल है । कुछ प्रावधानों का जिक्र मंत्री महोदय ने किया, जो वाकई स्वागत योग्य है और जिनके अंदर किसी तरह का कोई विवाद नहीं है । सबसे पहला है चुनाव का निर्धारित अवधि में कराया जाना । आज तक कंस्टीट्यूशनल ओब्लीगेशन, एक संवैधानिक जिम्मेदारी यह बिल राज्य सरकारों पर डाल रहा है । वह किसी भी एक बहाने से, कोई भी बहाना गढ़ कर पंचायतों के चुनावों में विलंब नहीं कर पाएंगे, देरी नहीं कर पाएंगे । पांच साल के भीतर उन्हें चुनाव कराना है । पांचवां साल जब लगेगा तब चुनाव की प्रक्रिया प्रारंभ हो जाएगी और ज्यादा से ज्यादा अगर कहीं कोई डिजोल्व या कुछ करना पड़ा तो भी छह महीने के अंदर, यानि पंचायत के विघटन के छह महीने के भीतर भीतर उन्हें चुनाव कराने पड़ेंगे । यह एक जो संवैधानिक धारा इसमें डाली जा रही है, इसके लिए मैं मंत्री जी को धन्यवाद देती हूं कि चुनावों का निर्धारित अवधि में कराया जाना, अनिवार्य रूप से कराया जाना जो इस बिल के अंदर किया गया है वह वाकई स्वागत के योग्य है ।

दूसरे, इस बिल में जो धारा है 243 (बी), जिसमें शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्ज के आरक्षण और महिलाओं के आरक्षण का जिक्र है, यह बहुत ही स्वागत योग्य कदम है । आमतौर पर हमने यह देखा है कि जब भी विधानसभाओं के या संसद के चुनाव आते हैं तो कोई पार्टी हो अपने चुनाव घोषणा-पत्र में लिखे भी कि हम 10 प्रतिशत महिलाओं को आरक्षण देंगे, लेकिन जब देने का समय आता है तो एक तर्क उठता है कि साहब, योग्य व्यक्ति उपलब्ध नहीं हैं, हम कहां से दें । हम देना चाहते हैं, लेकिन कोई ऐसा योग्य व्यक्ति उपलब्ध नहीं है । तो यह एक शुरुआत होगी । यह पंचायत नर्सरीज होंगी प्रजातांत्रिक प्रणाली की । पंचायत एक ट्रेनिंग ग्राउन्ड होंगी, नगर-पालिकायें एक ऐसी ट्रेनिंग ग्राउन्ड होंगी, जहां लोगों को शासन करने का प्रशिक्षण मिल सकेगा । उन छोटी इकाइयों से शिरकत प्रारंभ होगी और इसमें यह लाजिमी कर दिया गया है कि 30 प्रतिशत महिलायें जरूर आएंगी । . . .

एक माननीय सदस्य : एक तिहाई ।

श्रीमती सुषमा स्वराज : अच्छा, एक तिहाई महिलायें जरूर होंगी, शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्ज जरूर होंगे चाहे कोई चाहे या न चाहें । मुझे मालूम है, यह पुरुष वर्चस्व समाज है और उसमें भी सवर्ण पुरुष वर्चस्व समाज है । यहां पर दलितों को बहुत कम जगह मिल पाती है, लेकिन जब संवैधानिक अनिवार्यता उन पर डाली जाए तो जरूरी हो जाएगा । अब जैसे आजकल विधान-सभाओं में रिजर्वेशन है, पार्लियामेंट में रिजर्वेशन है तो भले ही उनके मन में हो या न हो, जो कंस्टीट्यून्सी रिजर्व है, वहां उनको शेड्यूल्ड कास्ट को देना ही पड़ता है, सेड्यूल्ड ट्राइब को देना ही पड़ता है और वहां से इतने योग्य-योग्य लोग आ रहे हैं । हमारे अपने उपराष्ट्रपति जी बने हैं के नारायणन जी, कितना जीता-जागता उदाहरण है इस बात का । यानि यदि अपोर्चुनिटि मिले, अगर अवसर दिया जाय तो कोई व्यक्ति ऐसा नहीं है, जो फले-फूले नहीं या उस अपोर्चुनिटि का लाभ उठाकर अपनी योग्यता प्रदर्शित न कर सके । अगर प्रतिभा जन्म से कुण्ठित कर दी जाएगी, अगर प्रतिभा को उभरने का मौका ही नहीं दिया जाएगा तो वर्चस्व रखने वाला समाज तो कहेगा ही कि हां, योग्य व्यक्ति नहीं है । महिलाओं के बारे में तो ऐसा कोई प्रावधान विधान-सभा और संसद में भी नहीं है । तो आम तौर पर यह बात उठाई जाती है । जहां महिला विंग अलग-अलग पार्टियों के हैं, मुझे मालूम है, हर जगह कहते हैं कि साहब, कुछ महिलाओं को मौका दीजिए, अच्छी है । मगर, पुरुष बैठकर जब निर्णय करते हैं तो कह देते हैं कि भाई, योग्य महिला नहीं है, जीत नहीं सकती

[श्रीमति सुषमा स्वराज]

है, अपने को जीतना ज्यादा जरूरी है। इसलिए बहुत कम महिलायें आती हैं। लेकिन, अब यह एक ऐसा लाजिमी प्रोविजन आ गया है, पंचायतों में, नगर पालिकाओं में, ब्लाक लेवल पर, जिला लेवल पर एक तिहाई बहुमत महिलाओं का होगा, शेड्यूल्ड कास्ट का होगा, शेड्यूल्ड ट्राइब्ज का होगा और यह लोग बकायदा शासन करने की एक इकाई का एक प्रमुख अंग होंगे। ऐसे शिरकत प्रारंभ हो जाएगी और इस बात में कोई वजन ही नहीं रह जाएगा कि हमारे पास योग्य महिलायें उपलब्ध नहीं हैं या हमारे पास योग्य अनुसूचित जाति के लोग उपलब्ध नहीं हैं। यह बहुत बड़ी बात है। मैं आपको बताऊं कि उड़ीसा में चुनाव हुए और वहां 14 हजार महिलाएं चुनकर के आईं पंचायतों में, 14 हजार बहनें और आज वे बैठकर कह रही हैं कि हमें काम दीजिए, हमारे पास कोई काम नहीं है, हमें काम दीजिए। कर्नाटक में बहनें चुनकर के आईं हजारों की संख्या में। आप देखिएगा कि हजारों की संख्या में एक-एक स्टेट से बहनें चुनकर आएंगी। कुल मिलाकर जब देश के संदर्भ में आप देखेंगे तो एक बड़ी फौज लाखों महिलाओं की तैयार होगी। कौन पुरुष उस समय टिकट वितरण करते समय विधान सभा में या संसद में यह तर्क दे सकेगा कि हमारे पास योग्य महिलाएं उपलब्ध नहीं हैं या हमारे पास शेड्यूल कास्ट अथवा शेड्यूल ट्राइब्स के लोग उपलब्ध नहीं हैं। एक ऐसा ट्रेनिंग ग्राऊंड तैयार हो रहा है, एक ऐसा प्रशिक्षण शिविर, एक ऐसी नर्सरी, जहां पर बहुत बड़ी संख्या में बहनें आएंगी, बहुत बड़ी संख्या में अनुसूचित जाति, जनजाति के लोग आएंगे, स्वयं शासन करेंगे। फिर बहुत अच्छा प्रावधान है कि जो सभापति बनेंगे, उनमें भी इसका प्रावधान रखा गया है, यानी उनको मुखिया के तौर पर काम करने का एक मौका मिलेगा, अपनी प्रतिभा प्रदर्शित करने का और वह एक बात जिसकी कि गांधी जी कल्पना करते थे, जिसके लिए उन्होंने पंचायत की कल्पना की थी कि जब नीचे से एक प्रक्रिया प्रारंभ होगी तो ऊपर तक उन लोगों की शिरकत होती चली जाएगी और यह जो आरक्षण के प्रावधान है न, जिनके ऊपर दूसरे लोगों को लगता है कि जैसे हम कोई एहसान उनके ऊपर कर रहे हैं, वह एहसान समाप्त होगा और स्वयं शिरकत करके हमारी पूरी शासन व्यवस्था का एक प्रमुख अंग वह शोषित और पीड़ित वर्ग हो सकेगा जिसमें महिलाएं भी आती हैं, जिसमें अनुसूचित जाति और जनजाति के लोग भी आते हैं।

श्री अनन्त राम जायसवाल (उत्तर प्रदेश) : एक एडवान्टेज और हो जाएगा सुषमा जी यहां हाजिरी बढ़ जाएगी।

श्रीमती सुषमा स्वराज : महोदय, तीसरी बात जो इस बिल के अंदर अच्छी है लेकिन थोड़ा सा उसके ऊपर मैं कहना चाहूंगी, वह है इसके वित्तीय और प्रशासनिक अधिकारों के बारे में। इस बिल में यह प्रावधान किया गया है कि राज्य सरकारें यह सुनिश्चित करेंगी कि उनको वित्तीय और प्रशासनिक अधिकार दिए जाएं। लेकिन इसके ऊपर एक बहुत बड़ा सवालिया निशान लगा हुआ है, एक बहुत बड़ा प्रश्न-चिन्ह लगा हुआ है। पहली बात तो यह है कि एक ऐसी प्रवृत्ति चल पड़ी है कि जिसके हाथ में जो अधिकार आ गया है, वह उसको छोड़ना नहीं चाहता और इसी प्रवृत्ति ने केंद्रीयकरण की प्रवृत्ति को बल दिया है। मेरे हाथ में इतना सब कुछ है, मैं इसे नीचे कैसे दे दूं, मेरे अधिकार कम हो जायेंगे। यह प्रवृत्ति केंद्रीय सरकार से शुरू हुई, उसके बाद राज्य सरकारों में आई और यही कारण हुआ कि राज्य सरकारों ने पंचायती संस्थाओं को निष्प्रभावी करने की कोशिश की। आज इसमें प्रशासनिक और वित्तीय अधिकारों का जिक्र तो है लेकिन वह अपने आप में काफी नहीं है। मैं आपसे कहना चाहूंगी कि अगर आप वित्तीय अधिकार और प्रशासनिक पूरे अधिकार पंचायती संस्थाओं को नहीं देंगे तो यह पंचायती संस्थायें निष्प्रभावी बनकर रह जाएंगी और केवल निष्प्रभावी नहीं होंगी, एक और इसका दोष होगा कि फिर पंचायतों में बैठे हुए प्रतिनिधि जनता का कोप-भाजन बनेंगे, जनता के गुस्से का पात्र बनेंगे क्योंकि आज यह बिल उम्मीद जगा रहा है ...(**समय की घंटी**)...

आज यह बिल अपेक्षाएं दिखा रहा है, आज यह बिल यह कहकर लाया जा रहा है कि सत्ता नीचे की ओर, सत्ता गांव की ओर, सत्ता तुम्हारी जेब में देने के लिए हम यह बिल ला रहे हैं, इसलिए हर व्यक्ति, हर भारतीय इसका स्वागत कर रहा है । लेकिन कल जब पंचायतों के चुनाव तो हो जाएंगे, इंटरमीडिएट लेवल पर भी चुनाव हो जाएंगे, जिला-स्तर पर भी चुनाव हो जाएंगे, लेकिन वहां के लोग केवल जब दर्शनीय जीव बनाकर बैठा दिए जाएंगे और कोई वित्तीय अधिकार या प्रशासनिक अधिकार उनके हाथ में नहीं होगा तो लोग कहेंगे, लोग आपके पास नहीं आएंगे, लोग अपना गुस्सा उनके ऊपर जाकर उतारेंगे । लोग कहेंगे कि हमने तो चुनकर तुम्हें भेज दिया अब सड़क क्यों नहीं बन रही है, गांव की गली पक्की क्यों नहीं हो रही है, गांव का स्कूल क्यों नहीं चल रहा, गांव में अस्पताल क्यों नहीं खुल रहा है ? और वे जब अपनी मजबूरी बताएंगे कि हमारे पास तो कोई प्रशासनिक या वित्तीय अधिकार नहीं है तो लोग उसको मानेंगे नहीं और फिर यह कहेंगे कि इससे तो पहला शासन ही अच्छा था । तो यह जो एक बहुत बड़ा सवालिया निशान इसके ऊपर लगा हुआ है, क्योंकि मैं जब हरियाणा में मंत्री थी, हमारे यहां यह एक प्रावधान था कि हर मंत्री जिले की जो ग्रीवेन्सिस कमेटी है, उसका चैयरमैन होता था । तो मैं कुरुक्षेत्र जिले की चैयरमैन थी । यह जो आई०आर० डी०पी० और आर० एल० ई० जी० पी० के नीचे पैसा जाता है, इस सारे पैसे का वितरण उस मंत्री की सदारत में होता था । मैंने वहां के सारे एम०एल०एज० को बुलवाया, इससे पहले यह प्रथा नहीं थी, लेकिन मैंने कुरुक्षेत्र के जो 8 विधायक थे, उनको बुलवाया और उनको कहा कि देखो यह पैसा तुम्हारे क्षेत्र के विकास के लिए आया है । इसलिए मैं चाहूंगी कि इसका वितरण तुम्हारी मरजी से हो । तो कुल जो पैसा था उसका कुछ भाग उस जिले की जो केंद्रीय योजना थी, उसके लिए रखकर मैंने कहा कि बाकी यह पैसा बराबर-बराबर सबमें बांट देती हूं । लेकिन इस पैसे का उपयोग अब नीचे अपने यहां के सरपंचों से, पंचों से, ब्लाक के लोगों से तय करके करना है, क्योंकि हर क्षेत्र की अलग चीजें हैं । किसी गांव में स्कूल तो है वहां सड़क पक्की होनी है, कहीं पर अस्पताल कि बिल्डिंग बननी है, कहीं किसी स्कूल का कमरा बनना है, कहीं नलकूप खोदना है । तो अपनी-अपनी जरूरत के मुताबिक इसको तुम करलो और बी०डी० ओ० इसमें तुम्हारी मदद करेगा । इस बात को थ्योरिटिकल तौर पर एम०एल० एज० ने बहुत सराहा और कहा कि पैसा उनकी मरजी के मुताबिक बंट गया है । उन्होंने जाकर मुख्य मंत्री से कहा भी । (समय की घंटी) देखिए, महोदय, इसमें कांग्रेस के लोग बोलने वाले नहीं हैं । उन्होंने यह कहा है कि सारा का सारा समय हम लोगों को दिया जाएगा ।

(Time Bell rings). We were promised that we will be given sufficient time, the Congress withdrawing their speakers.

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : नहीं, वह बोल रहे हैं । लिस्ट तो उन्होंने ही दी है । मैं आपको बताऊं.... **(व्यवधान)**

SHRI V. GOPALSAMY: That was the understanding that was arrived at. (*Interruptions*). Even Mr. Jacob just now informed us that they will be withdrawing their names. With this understanding we agreed to have a discussion.

श्रीमती सुषमा स्वराज : बी० ए० सी० के अन्दर क्या घटा, इसका जिक्र नहीं करना चाहती थी । लेकिन उसका जिक्र गोपालसामी जी ने किया है । इतना महत्वपूर्ण विधेयक आप आखिरी दिन लाए और उस पर हमें चर्चा का मौका भी न दें तो यह तो हमारे साथ अन्याय करना होगा । थोड़ा सा समय तो आप दीजिए । मैं तो केवल संबंधित पोइंटस को ही छू रही हूं । अगर मैं कोई अप्रासंगिक बात कह रही हूं तो आप मुझे रोक सकते हैं । लेकिन कम से कम प्रासंगिक बात तो आप मुझे कहने दीजिए ।

[श्रीमती सुषमा स्वराज]

तो मैं आपसे कह रही थी कि वहां यह पैसा तो दे दिया गया, थ्योरिटिकल तौर पर बहुत खुश हुए। जाकर मुख्य मंत्री से भी कहा कि देखिए, हमको पहली बार लगा कि हम एम.एल.ए. हैं और हमारे यहां पैसा आया है। लेकिन व्यवहारिक स्तर पर जब काम करने की बात आई तो अधिकारियों ने उनका उस तरह से सहयोग नहीं दिया जिस तरह की मैंने कल्पना की थी। वहां उन्होंने कहा कि नहीं-नहीं, यह काम ऐसे नहीं हो सकता, यह इतने में नहीं हो सकता, इसको आप बदलिए, यह करिए,। इस तरह वह व्यवहारिक स्तर पर सारी चीज ध्वस्त हो गई। तो मैं एक बात आपसे कहना चाहती हूं कि वित्तीय अधिकार और प्रशासनिक अधिकार इन दोनों का आपस में सामंजस्य चाहिए। आप वित्तीय अधिकार दे दें और प्रशासनिक अधिकार न दें तो पैसा तो होगा मगर कार्यकारी एजेंसी उनकी बात मानेगी नहीं। और अगर आप प्रशासनिक अधिकार दें दें कि आप साहब, निगरानी रखिए और वित्तीय अधिकार न दें तो यह केवल कहते रहेंगे कि एक्शन प्लान बना लिया और कार्यकारी एजेंसी कहेगी कि पैसा तो है नहीं। यह दोनों चीजें आपस में इंटरलिंक हैं। जब तक आप वित्तीय अधिकार और प्रशासनिक अधिकार इन पंचायत के प्रतिनिधियों को नहीं देंगे तो वही साबित होगा, महोदय, जो हमारे गांव में एक कहावत है, आप तो जानते होंगे कि कई बार सास कहती है बहू को कि "घरबार तेरा पर कोठरी को हाथ नहीं लगाना" तो वह घरबार तो दे दिया आपने, पंचायत के सारे लोग चुनकर भेज दिए, मगर कोठरी को हाथ नहीं लगाना। तो वह करेंगे क्या ? वे केवल दर्शनी-दिया बनकर के बैठ जायेंगे और जनता के क्रोध का भोजन बनेंग। इसलिए मैं बार-बार आपसे इस बात को कहना चाहती हूं कि वित्तीय अधिकार के साथ प्रशासनिक अधिकार, इन दोनों का दिया जाना बहुत जरूरी है।

मैं इसका एक और उदाहरण दे दूं। यह बहुत जीता-जागता उदाहरण है आपकी जे.आर.वाई.—जवाहर रोजगार योजना, जो आपने पंचायती के माध्यम से चलानी चाही थी। लेकिन जिसमें जो कार्यकारी एजेंसी थी, वह अधिकार रखे हुए थी। उसकी विफलता को तो आपने सुना है, जाना है। मैं अपनी ओर से नहीं कह रही हूं। मैं तो विपक्ष की हूं, हो सकता है कि मैं कोई आंकड़ा दूं तो आप कहेंगे कि कहीं से मैं तोड़-मरोड़ कर ली हूं। उपसभाध्यक्ष जी, जे.आर.वाई. का एक आकलन है—प्लानिंग कमीशन का। प्लानिंग कमीशन यानी सरकार के योजना आयोग का "प्रोग्राम इन इवैल्यूएशन आर्गनाइजेशन" इन्होंने प्रोग्राम इन इवैल्यूएशन आर्गनाइजेशन में जवाहर रोजगार योजना की एक स्टडी की। 1991-92 को उसकी रिपोर्ट है। आपके सरकारी आंकड़ों को पढ़कर के बताऊं। उपसभाध्यक्ष जी, सिर्फ दो पैराग्राफ पढ़ूंगी। इस जवाहर रोजगार योजना का कितना लम्बा-चौड़ा ताना-बाना बनाया गया था और कितनी इसमें उदघोषणाएं हुई थी और कहा गया था साहब, यह तो इतना-इतना एम्प्लोयमेंट दे देगी और जो ग्रामीण विकास के लिए चलने वाले कार्यक्रम थे, सबको क्लब कर दिया गया था। और कहा था कि जवाहर रोजगार योजना चलाएगी। यह प्लानिंग कमीशन की अपनी एक संस्था द्वारा किया गया सर्वेक्षण है, जो उसकी सफलता की एक कहानी कह रहा है, वह मैं आपके सामने रखना चाहती हूं। यह पैराग्राफ छोटा सा है और पैराग्राफ का नम्बर है 5.12 अगर आपको लगे कि मैंने कहीं कागज ही बदल दिया हैं तो आप खुद मंगाकर देख लीजिएगा। इसका पृष्ठ—57 है। पहले तो मैं आपको यह बताऊं कि इन्होंने 40 ग्राम पंचायतों की स्टडी की थी। 19 ने तो कोई फंड युटिलाईज ही नहीं किया। जिन्होंने किया है मैं उनका जिक्र कर रही हूं, यानी जो सफलता की कहानी है, मैं उसका जिक्र कर रही हूं।

"The Gram Panchayats which had utilized the funds could provide employment to a person for an average number of 11.44 and 15.68 days during 1989-90 and 1990-91 respectively. This shows that the Jojana did not provide employment to the extent expected."

एक वर्ष में, 1989–90 के पर्स में इस जवाहर रोजगार योजना की उन ग्राम पंचायतों ने जिसको सफलता कहा जा रहा है, उन्होंने 11.44 यानी पौने बारह दिन का रोजगार दिया और 1990–91 में इन ग्राम पंचायतों ने 15'68, मे '6 मान लेती हूं, 16 दिनों के लिए रोजगार दिया एक वर्ष में, एक महीने में नहीं। यानी इस जवाहर रोजगार योजना ने एक वर्ष में पौने बारह दिन और 16 दिन का रोजगार दिया जिसने बाकी तमाम ग्रामीण विकास के कार्यक्रम समाप्त करा दिए थे और सारा पैसा इधर डाईवर्ट करा दिया गया था। यह है उस योजना की सफलता की मुंहबोली कहानी।

महोदय, पृष्ठ 59 पर पैराग्राफ 5.23 है, मैं चाहूंगी कि इस बात को आप ध्यान से सुनें क्योंकि इस विषय में आपकी रुचि है और इस विषय को आप बहुत अच्छे ढंग से समझते हैं इसलिए मैं खास तौर पर आपका ध्यान आकर्षित करके कहना चाहती हूं। वह तो था केवल रोजगार के संबंध में और अब जो मैं आपको पढ़कर सुना रही हूं उससे आपको पता लगेगा कि कर्यकारी एजेंसी उनके नियंत्रण में न होने पर उसका क्या असर पडता है। सुनिए–

"At the Gram Panchayta level it was felt that wage-material ratio was not workable. The Panchayt Secretry was over worked."

यह जो ग्राम सचिवों के माध्यम से काम करवाते हैं आप उनके बारे में लिखा हुआ है कि–

"The Panchayat Secretary was overworked."

जब प्रशासनिक मशीनरी दूसरी होती है तो क्या होता है–

"And the Plan of Action was, instead of being prepared by the Gram Panchayat, was prepared by the Block agency."

यानी जो उस क्षेत्र की जरूरतें थी उन जरुरतों को ब्लाक समझता नहीं था, उनकी अनदेखी करके योजनायें बनाई गई।

"The Plan of Action, instead of being prepared by the Gram Panchayat, was prepared by the Block agency, thereby ignoring the felt needs of the area."

क्योंकि प्रशासनिक अधिकारियों पर ग्राम पंचायतों का कोई नियंत्रण नहीं तो–

"And in respect of technical problems at the Gram Panchayat level, it was felt that technical guidance was not available. The measurement of works was delayed and the opertional area of the Junior Engineer was too big."

यानी जो जे.ई. उस एरिया में काम कर रहा था उसका एरिया इतना ज्यादा था कि वह ध्यान ही नहीं दे सकता था। इसलिए मैं आपसे कहना चाहती हूं कि इन वित्तीय अधिकारों और प्रशासनिक अधिकारों को जब तक आप पंचायतों और नगरपालिकाओं को नहीं देंगे तब तक आपका ये किया हुआ चुनाव, ये बनाई हुई संस्थायें भी निष्प्रभावी हो जाएंगी।

शीला कौल जी बैठी हुई हैं, ग्रामीण विकास मंत्री जी चले गए हैं, तो मैं थोड़ा सा नगरपालिकाओं का जिक्र करना चाहूंगी ...(व्यवधान)

उपसभाध्य (श्री शंकर दयाल सिंह) : सुषमा जी, ऐसा है साढ़े चार बजे से पांच बजे तक का समय वोटिंग के लिए निर्धारित है ...(व्यवधान)

श्रीमती सुषमा स्वराज : एक बजे लिया जाना भी निर्धारित था। वह दो बजे शुरू हुआ तो इसको आगे बढ़ाना पड़ेगा ...(व्यवधान)

SHRI V. GOPALSAMY: We should have started by one o'clock itself. We were given to understand that the discussion would start at one o'clock and four hours were allotted for the debate.

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : मैं उसका विरोध नहीं कर रहा हूं। मैं केवल आपका ध्यान उसकी ओर आकर्षित करना चाहता हूं यह मेरा कर्तव्य है।

श्रीमती सुषमा स्वराज : मैं भी आप ध्यान इस ओर दिलाना चाहती हूं कि निर्धारित अवधि पर बिल नहीं लिया गया इसलिए उतना समय तो बढ़ाना ही पड़ेगा आपको।

SHRI V. GOPALSAMY: Sir, we were given to undersatnd that the debate would be for four hours. So, had it started at one o'clock, voting could take place at five o'clock. It started late.. (*Interruptions*)..

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : मैं केवल आपका ध्यान दिला रहा था।

श्रीमती सुषमा स्वराज : बहुत अच्छा हुआ आपने ये ध्यान दिलाया। तभी तो मैं भी ध्यान दिला सकी कि समय पर बिल नहीं लिया गया इसलिए उतना समय तो आपको बढ़ाना ही पड़ेगा।

तो मैं नगरपालिकाओं का जिक्र कर रही थी क्योंकि उसका बड़ा सीधा संबंध मुझ से है। मैं हरियाणा विधान सभा में शहरी कांस्टीट्यूयेंसी को रिप्रेजेंट करती रही हूं। नगलपालिकाओं की हालत तो यह हैं उनके पास तनख्वाह देने के लिए पैसे नहीं हैं, विकास का काम करना तो बहुत दूर की बात है। जितनी रेवेन्यू उनके पास आती है वह तनख्वाह देने में निकल जाती है। राज्य सरकारों से वह ग्रांट के लिए भिखारी की तरह झोली फालाये खड़ी रहती है। राज्य सरकारों के पास वैसे ही रिसोर्स कंस्ट्रेंटस हैं। उनके पास स्वयं साधन नहीं हैं, वह पैसा नहीं दे पाती। इसलिए नगरपालिका क्षेत्र में यदि सड़क कहीं टूटती है तो उसको ठीक करना तो दूर कल को उसमें इतना बड़ा गड्ढा मिलेगा, उसकी मरम्मत भी नहीं हो सकती। इसीलिए नगलरपालिकाओं के चुने हुए प्रतिनिधि जहां रहते हैं उन वार्डों में उनके पड़ोसी आकर उनसे कहते हैं कि इसीलिए तुमको चुना था कि सड़कें टूटी पड़ी हैं, ट्यूबलाइट नहीं हैं। उनको बदलना या सोडियम लाइट लगाना तो दूर वह बल्ब भी नहीं लगा सकते। उसी उदाहरण को सामने रखते हुए यह बात पंचायतों में भी होने जा रही हैं। जैसे वहां पर चुने हुए प्रतिनिधियों को लोग जीने नहीं देते कैसे ही हीं पंचायतों में भी होगा। उनके पास मजबूरी के अलावा कुछ नहीं है। उनके पास पैसा नहीं है। लोग कहते हैं इस्तीफा दे दो। क्या तुमको इसलिए कारपोरेटर बनाया था कि तुम पर तमगा लग जाए, इसलिए तुम आए कि अपने नाम के आगे आगु एम.सी लिखने लगों। उनके मन में इच्छा शक्ति है, उनके अंदर जोश भी है, लेकिन नगरपालिकाओं के पास पैसा नहीं है। तो वित्तीय अधिकार, प्रशासनिक अधिकार जब तक आप नहीं देंगे तब तक इनका लक्ष्य पूरा लनहीं होगा।

जहां तक ग्रामीण विकास का सवाल है, मंत्री कहीं उटकर गए हैं, तो मैं कहती हूं कि यह मंत्रालय ही चला जाना चाहिए। मैं बहुत सीरियसली इस बात को कह रही हूं। अगर वाकई इस बिल से हिन्दुस्तान की शासन व्यवस्था में सुधार चाहते हैं, अगर वाकई आप इस देश की पंचायतों को एक इकाई के रूप में काम करने देना चाहते हैं, तो ग्रामीण विकास मंत्रालय का कोई काम नहीं है। सारे के सारे अधिकार पंचायतों को दे दीजिए। पंचायत अपने ढंग से काम करके आपको दिखायेगी। ग्रामीण विकास मंत्रालय पर जितना खर्च हो रहा है वह अपने आप में काफी होगा पंचायतों के लिए। जितना पैसा आप मंत्रालय को दे रहे हैं उतना पैसा गांवों के विकास पर खर्च होगा। आज कृषि भवन के अन्दर ग्रामीण विकास मंत्रालय है जिसके ऊपर करोडों, अरबो, रुपए खर्च हो रहे हैं। उस मंत्रालय का बोरिया बिस्तरा बांध द, उस मंत्रालय पर होने वाले खर्च को हिन्दुस्तान की पंचायतों को दे दें। ग्रामीण विकास मंत्रालय के रहने से

उनका कल्याण नहीं होगा । यह बात मैं बहुत दृढ़ता के साथ कहना चाहती हूं ।

उपसभाध्यक्ष जी, एक बात पर जिस पर मुझे एतराज है बिल के, मैं उस पर आना चाहती हूं । यहां इंडाइरेक्ट इलैक्शन की व्यवस्था की गई है । यह कहा गया है कि ग्राम सभा के चुनाव राज्य सरकारों पर छोड़ दिए जाएं कि वह प्रत्यक्ष चाहते है या अप्रत्यक्ष चाहते हैं । लेकिन इंटरमीडिएट लेबर और जिला बोर्डों के अप्रत्यक्ष होंगे । मैं इसकी पृष्ठभूमि बताऊं, मेरा ख्याल है आप भी इसके साथ जुड़े रहे होंगे । जब ओरिजनल बिल आया था उसमें प्रावधान था कि तीनों स्तर पर प्रत्यक्ष चुनाव हों । उसके बाद बिल जब संयुक्त संसदीय समिति में गया, दो दिन इस पर बहस हुई और बहस के बाद जो निष्कर्ष निकला वह यह नहीं था जो कि बिल में है । निष्कर्ष यह निकला कि ग्राम सभाओं के चुनाव प्रत्यक्ष करवाए जाएं लेकिन ब्लाक और डिस्ट्रिक्ट लेवल के चुनाव राज्य सरकारों पर छोड़ दिए जाएं । यह भी इसलिए कि कुछ सदस्यों कि डिसेंटिंग नोट थे । लेकिन मुझे हैरानी हुई आज का बिल पढ़ने के बाद अब बिल बिल्कुल बदल गया । इसमें यह कहा गया है कि ग्राम सभाओं के चुनाव राज्य सरकारों पर छोड़ दिए जाएं और इंटरमीडिएट और डिस्ट्रिक्ट लेवल के चुनाव अनिवार्य रूप से प्रत्यक्ष तौर पर कराए जाएं । कहीं न कहीं जब हम विकेंद्रीकरण की बात कर रहे हैं तो हमारे मन में चोर है । हम सारी सत्ता को केंद्रित रखना चाहते हैं । विकेंद्रीकरण की बात कर रहे हैं तो खुले मन से करें, पूरे के पूरे अधिकार ग्राम सभाओं को दें । उनकी आप क्यों राज्य सरकारों पर छोडना चाहते हैं ? आप जानते हैं कि पंचायतों में सरपंचों का चुनाव किस प्रकार होता है, इसका हमको कुछ अनुभव है । जब पांच पंचों के द्वारा सरपंच का चुनाव होता है तो किस तरह की नीतियां अपनाई जाती हैं, किस तरह की प्रवृत्तियां गांवों में पनपती हैं । उनको अपनी तरफ घसीटने के लिए किस तरह के भ्रष्ट आचरण किए जाते हैं । हमारे प्रदेश में देखने में आया है कि बिसियों बार ये चुनाव रद्द करने पड़ते हैं । सरपंच उनके माध्यम से चुनकर आएगा तो कम से कम इस तरह की भावना उसके मन में नहीं होगी । कम से कम भ्रष्ट आचरण से बच जाएंगे । पांच लोगों को घसीटने की जो प्रवृत्ति चल पडती है वह तो नहीं होगा । तो सुबह जब मुझे यह बिल मिला, मैं तो अपने दल के सदस्यों से भी बात नहीं करसकी ।

दूसरे सदन में, दूसरे हाउस में उनका क्या दिमाग रहा क्यों उन्होंने इसे मान । इतनी अफरा-तफरी में बिल लाया गया । लेकिन मैं अपनी बात को दृढ़ता से कहना चाहती हूं कि कि जब हम विकेंद्रीकरण की की बात करें तो खुले मन से करें और किसी तरह का बंधन मन में लगाकर नहीं क करें । अच्छा होता कि तीनों स्तर के चुनाव प्रत्यक्ष होते लेकिन ग्राम सभा के चुनाव तो निश्चित तौर पर प्रत्यक्ष चुनाव होने चाहिए । राज्य सरकारों पर इसकी मंशा नहीं छोड़ी जानी चाहिए । यह मैं पूरी दृढता के साथ इस सदन में कहना चाहती हूं ।

11वीं सूची में बहुत से कार्यक्रमों का बखान किया गया है जो काम ग्राम पंचायतें करेंगी ।

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : सुषमा जी ऐसा है कि आप तो खुद कार्य संचालन करती हैं । इसमें ऐसा है कि समय कमाया नहीं जा रहा है । समय जो निर्धारित है इसके लिए वह समय ज्यों का त्यों रहेगा । लेकिन सभी दलों का जो समय निर्धारण है वह तो रहता है बना हुआ । उसमें यह है कि आपका समय 30 मिनट का था और आपने 40 मिन्ट , 41 मिनट ले लिए ।

श्री संघ प्रिय गौतम : पांच मिनट और दे दीजिए ।

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : 11 मिनट ज्यादा ले चुकी हैं इसलिए मेरा आपसे बार-बार निवेदन है कि आप इस कठिनाई को समझते हुए इसे समअप कर दीजिए दो मिनट में ।

श्रीमती सुषमा स्वराज : मैं आपकी बात का थोड़ा सा जवाब दे दूं । जो 30 मिनट का समय निर्धारित हुआ यह उस

[श्रीमत सुषमा स्वराज]

आधार पर हुआ जब कांग्रेस और सब को बोलने का मौका मिलता है । जब एक घंटा समय निर्धारित होता है तो हमारी पार्टी को 7 या 8 मिनट मिलते हैं और जो चार घंटे निर्धारित हुए तो हमारे 30 मिनट हुए । लेकिन जो हमारी समझ बनी थी आपस में वह यह थी कि कांग्रेस पार्टी की तरफ से नहीं बोलेंगे ।

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : कांग्रेस वाले भी चाहते हैं बोलना ।

श्रीमती सुषमा स्वराज : अगर उस समझ, को वह तोडते हैं तो फिर टूटे । हम लोगों का समय क्यों काटा जा रहा है । मैं तो वैसे ही पाच मिनट में समाप्त करने वाली थी । अगर आप इतना समय न लेते तो अभी तक खत्म भी कर देती । ..(व्यवधान)

अंत में एक बात कहना चाहती हूं कि यह जो 11वीं सूची है, संविधान में अभी तक दस सूची ही हैं और इसके माध्यम से 11वीं सूची जोडी जा रही है, इसमें कुछ चीजों का खुलासा किया गया है कि ये काम पंचायतें करेंगी । इस पर बहस करते हुए बहुत से चीजें आ सकती हैं । यह कहा जा सकता है कि यह चीज छूट गई है यह डाल दो, यह चीज छूट गई है यह डालदो । आमतौर पर ऐसा होता है कि जो इलैस्ट्रेटिव लिस्ट दी जाती है वह एक्जास्टिव लिस्ट बन जाती है । क्योंकि यह संविधान की सूची है इसलिए यह एक्जास्टिव ही होगी । इसमें आप अपनी ओर से जोड नहीं सकते । क्योंकि आप कह रहे हैं समय कम है, वरना में कुछ कामों का जरूर खुलासा करती जो इसमें आने चाहिए । लेकिन एक सिद्धांत के तौर पर मंत्री जी से कहना चाहती हूं कि यह जो आपने चीजें लिखी हैं यह अपने आप में काफी नहीं है। एक सिद्धांत होना चाहिए कि जो काम पंचायत अपने स्तर पर कर सकती है उसे ब्लाक न करे । जो काम ब्लाक कर सकता है उसे जिला न करे और जो काम जिला कर सकते हैं उसे राज्य न करें । जिस काम की राज्य सरकारें कर सकती हैं उसे केंद्र न करे यही विकेंद्रीकरण की नीति का एक मार्गनर्शन सिद्धांत होता है । इसी चीज को आपने रखकर गांधी जी ने कल्पना की थी । –पंचायत के कम्पलीट रिपब्लिक की । जिसको मैंने पहले भी कहा और फिर दोहराती हूं कि पंचायतें जो स्वतंत्र होंगी, स्वायत्त होंगी, आत्मनिर्भर होंगी, अगर आप समय देते तो मैं गांधी जी के उस 'हिन्दू स्वराज्य" का पैरा पढती जिसमें उन्होंने लिखा कि पंचायतें क्या-क्या करेंगी ।

डा० बापू कालदाते : (महाराष्ट्र) पुअर गांधी जी ।

श्रीमती सुषमा स्वराज : आपका अपना नाम ही बापू से शुरू होता है । गांधी वह जो बापू कहलायें ।

मैं आपसे कहना चाहती हूं कि उसमें हिन्दू स्वराज्य लेख में लिखा है कि किस तरह अपने लिए गेहू उगाने से लेकर कपड़ा बनाने से लेकर किस तरह अपनी चीजों का निर्यात करने के काम तक पंचायतें करेंगी । समय के अभाव के कारण मैं पढूंगी नहीं लेकिन कम से कम जो मार्ग-दर्शन सिद्धांत है उसकी तो मैं यहां चर्चा कर दूं । अगर उस सिद्धांत को अपने सामने एक कसौटी पर रखकर लाते तो यह गलती इसमें नहीं होगी । वाकई में विकेंद्रीकरण हो सकेगा । जो काम पंचायत कर सकती हैं उन तमाम कामों को इस सूची में रखिए । उसके बिना पंचायतों को दिए जाने वाला अधिकार काफी कम होगा और पंचायतों की संस्था स्था निष-प्रभावी हो जाएगी ।

आप बार-बार समाप्त करने की कह रहे हैं इसलिए इतना कह कर समाप्त करूंगी कि पांच साल का कार्यकाल जो दिया है पंचायतों को, कई बार कुछ साथियों की राय होती है कि कम किया जाए मेरा निवेदन है यह कम करने की आवश्यकता नहीं है, पांच साल का समय जरूरी है किसी भी आए हुए एक व्यक्ति को काम करने के लिए । मैं इतना कह कर समाप्त करूंगी कि पंचायत शासन व्यवस्था क संवैधानिक दर्जा दिलाने का काम ज

विधेयक कर रहा इससे तो एक मील का पत्थर साबित होगा । लेकिन मेरे मन में संशय है कि जिस तरह से यह बिल यहां लाया गया है शायद उस बिल का दुरुपयोग करके जहां चुनी हुई पंचायत संस्थायें इस समय हैं जिनको हटाकर, डिसमिस करके नए सिरे से चुनाव करायेंगे, ऐसा करने की आवश्यकता नहीं है ।

जो पंचायतें चल रही हैं वे अपना कार्यकाल पूरा करें और उसके बाद इस बिल की परिधि के अन्दर उनके चुनाव हों । यह एक लोकतांत्रिक तरीका होगा । एक लोकतांत्रिक पद्धति को अपनाने के लिए अलोकतांत्रिक कदम उठाने की आवश्यकता नहीं होनी चाहिए । इस संशय को मंत्री जी दूर करेंगी ।

इसी के साथ मैं यह कहना चाहूंगी कि बिल अच्छा है, बहुत अच्छा है । काफी चीजें इसमें स्वागत योग्य हैं । जिन बातों पर मेरे एतराजात थे उनको मैंने रखा है । लेकिन अच्छे बिल को भी प्रभावी बनाने के लिए राजनैतिक इच्छा शक्ति की जरूरत होती है । अमलकर्ताओं की राजनैतिक इच्छा शक्ति पर आज सवालिया निशान लगे हुए हैं । लेकिन फिर भी वे ईमानदारी से अपनी राजनैतिक इच्छा शक्ति का इस्तेमाल करके इस बिल को प्रभावी बना सकते हैं और अगर उन्होंने इसको प्रभावी बनाया तो जो प्रावधान इसके अंदर है, पंचायतों को पूरे वित्तीय अधिकार दे कर, पंचायतों को पूरे प्रशासनिक अधिकार देकर, पंचायतों में अनुसूचित जातियों, जनजातियों और महिलाओं की पूरी भागेदारी करा करके और पंचायतों के चुनाव निर्धारित अवधि में करा करके, यह बिल जो आज हमारे सामने समस्यायें खड़ी हैं, उन समस्याओं का समाधान करने में एक सार्थक भूमिका निभा सकता है और एक प्रभावी कदम साबित हो सकता है । इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करती हूं, बहुत बहुत धन्यवाद ।

श्री अनन्तराय देवशंकर दवे :(गुजरात) वाइस चैयरमैन साहब, मैं एक बात कह दूं । कल गुजरात के समुद्री बार्डर पर पाकिस्तान की नेवी अंदर घुस कर हमारे मछली पकड़ने वालों को पकड़ रही है और उन्होंने हमारा नेशनल ध्वज भी जलाया है । ऐसा कहा गया है कि 30 लोगों को पकड़ करके पाकिस्तानी ले गए हैं और ऐसा भी कहा गया है कि कश्मीर तो हमारा हो गया है, अब हम कच्छ भी ले लेंगे । ऐसी गम्भीर घटना गुजरात के बार्डर पर हो रही है । मैं बार बार अपने होम मिनिस्टर का ध्यान इस ओर खींचता रहा हूं, फिर एक बार ओर ध्यान दिलाता हूं कि इस संबंध में कुछ कदम उठाए जायें ।

SHRIMATI KAMALA SINHA (Bihar): Mr. Vice-Chairman, Sir, I rise to speak on the Constitution (Seventy-Second) Amendment Bill, 1991 and the Constitution (Seventy-Third) (Amendment) Bill, 1991. These Bills introduced on the last day of the Session are really very, very important Bills. They will have a long-turn effect on the Indian society, the Indain administrative system and the Indian body policy.

Sir, as we know, the idea of the Bills is that there should be participation of people at the grassroot level in the developmental and in the administrative processes if the country. The idea of 'panchayats' or 'panch' is not a new idea. We know that the word 'panch' means collective wisdom. It had been prevalent in the country even in the ancient period. We have evidence of it in the Dravidian Culture. We have all the evidence of the system of panchayats and local bodies functioning in villages and in semi-urban areas and in 'zirgas' in the Dravidian culture. during the Moheniodaro and Harappa civilisations and in the tribal India, pre-Aryan India. There is evidence to show that even when the Aryans came event at that time, the village functioned as the smallest administrative unit. Even during the British period. We had the system throughout the country. The Panchayats. tht Municipalities and the Zila Parishads were the primary centres of administrative system in our

[Shrimati Kamala Sinha]

country. The Constitution of India in the Directive Principles of State Policy has referred to the organisations of village panchayats under article 40 and has stipulated that the panchayats' self-government should be strong in this country. Yet in free India, the panchayats and the municipalities gradually have become weaker and weaker. "Panches" means the collective wisdom of common men for the gold of all Gandhi Ji, the Father of the Nation, used to talk about Gram Swaraj as the composite, self-sufficient and self-reliant village. He said: "My idea of Village Swaraj is that it is a complete republic, independent of its neighbours. Every village will grow its crop and cotton for its clothes. It shall have a reserve if its cattle, a recreation place and a play-ground. The village will maintain a village theatre, a school, a public hall. It will have its own water supply and will ensure clean water supply. This can be done through control over wells and tanks. As far as possible, every activity will be conducted in a cooperative basis. There will be no caste system." This was his dream of the Gram Swaraj. Had we followed it today, India would have seen a different composite culture, emanating from the grassroot level. But now the situation has changed. Although when the Janata Party came into power in 1977. they tried to bring forward a composite Bill on Panchayats at the national level, it could not be done. But we must congratulate the Janata Party Government headed by Mr. Ramakrishna Hegde, who had the wisdom to pass the Panchayati Raj Bill in Karnataka which gave proper powers to the grassroot level bodies. He also made a provision for reservation of 30 per cent seats for women. He also made a provision for reservation for the Scheduled Castes and the Scheduled Tribes. Now in the State of Orissa, where the Janata Dal Government is there, it has passed a Panchayati Raj Bill through which a largt number of women have been elected. In West Bengal also, the Panchayats are functioning in an exemplary manner. Now this Government has brought forward the Panchayati Raj Constitution Amendment Bill to give power to the give power to the Panchayats. The proposed amendment of article 280 of the Constitution wants to add to section (c) in clause 3 of the following:

"The measures needed to augment the Consolidated Fund of the State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State;" This shall be one of the functions of the Central Finance Commission. This is one of the amendments which has been stipulated in this amendment. The Panchayati Raj Bill was placed before Parliament during the Janata Dal Government also. Somehow or the other, it could not be passed. On the last day of the Session this Bill has been brought before the Rajya Sabha after having been passed in the Lok Sabha for bringing grass-root level democracy in the country. I appreciate the Government's measure but I wish I could also appreciate the Government's will to implement it because there are so many good Bills which have already been passed, but they are yet to be properly implemented.

The previous speaker has spoken at greater length about various provision. I am not going to repeat those things, but I will fail in my duty if I don't mention a few things which are important. I welcome the provision for making one-third of the total seats reserved for women, Scheduled Castes and Scheduled Tribes at the Panchayat level and at the Municipal level. Without these reservations women have always been suffering. Although we have equality before law, before the Constitution, we have been treated as second class citizens in this country. Both the Constitution (Amendment) Bills will emeliorate, in a small way, the injustice done to women for quite a few centuries in this country. Fifty

per cent of Indian population belongs to the weaker sections. I don't know why women should be called a 'weaker section'. I don't feel women are weak. But they are called 'weaker section'. So it is good that at least one-third of them have been given.

[The Vice-Chairman (Shri V. Narayanahamy) in the Chair]

reservation through these two amendments. I wish the same thing would be done even for the Assemblies and also for the Parliament and maybe, the Government will bring a constitutional amendment Bill in the next Session of Parliament for this. Sir, I assure you that the women of the whole country will support you, if you do so. ...(*Interruptions*)... If you do so, they will support you.

These reservations will give an opportunity to women to function as elected representatives. They will know how to function in public life, how to solve the problems and how to face difficult situations. This will be a good ground for them to be prepared for a greater political role which ultimately they will play.

The Scheduled Castes and Scheduled Tribes have always been the shame of our society. Bapu used to call them 'Harijans', the persons whom God loves. The Scheduled Castes and Scheduled Tribes, with the reservation, will definitely be able to play their due role in the social system. Of course, there is a long way to go. Now they are awakening. They now know what their rights are and what their duties are and they are playing their role. I hope with this reservation they will have a greater chance to play their role. As my sister, Shrimati Sushma Swaraj, has mentioned about the finance of the panchayats—I also share her feelings—unless and until the panchayats and the municipalities are properly fortified with means of proper income, they will not be able to fulfil the aspirations of the local people.

There is another snag-may be, I am thinking aloud—that is, the social system that we have in our country. It is the monied class who really wield power at the village level. Unless and untill the panchayats and municipalities are properly empowered, the elected representatives will not be able to perform their duties the way they are expected to do because the monied class, the so-called vested interest class, will see to it that the panchayats and the municipalities play to their tune. They will indirectly wield power even at the gross-root levels through these bodies. Some safety valves should be there so that there would be no indirect interference by them. Now the LSG Ministry both at the State level and at the Central level, and the bureaucrate in the Ministry wield much more power than the actual elected representatives. The poor *Mukhyas* have to run from pillar to post for getting the sanctioned money for implementing schemes like, IRDP, NREP, RLEGP; Jawahar Rozgar Yojana, etc., which are supposed to be implemented at the village level and at the panchayat level. The purse-string is controlled by these officers, these bureaucrats. You don't have any measures in this Bill on how to loosen the purse-string which is being controlled by the bureaucratic system. There should have been some provision for that also. I hope when you make rules you will take adequate measures to see that it is taken care of.

We have seen that in the tribal areas, specially in Bihar—I come from Bihar; I have seen it in Chotanagpur area of Bihar—an elected panchayati system has been functioning from the ancient period which is known as 'Man ki Munda' system. It has been functioning at grass-root level. It has been collecting revenue and also administering justice by adjudicating local disputes and taking care of the rural people. Now with the Panchayati Raj there will be duplication in the system. The tribals are not at all happy

[Shrimati Kamla Sinha]

about it because now there will be an elected Panchayat and also the *Manki-Munda* sytem. The *Manki's and Mundas* will also be functioning. Even the British did not try to disturb this system in the tribal areas. So this aspect should also be considered. When there is a fool-proof system functioning in the tribal areas there should not be any new system imposed upon them. I would request the Minister to go through this aspect and see that there is no duplication of authority created in the rural and tribal areas. This will create tension. It will lead to misunderstanding and also dissension. Another aspect that I would like to bring to the notice of the Government is the way in which funds will be given to the Panchayats and the municipalities. The municipalities have no authority to collect their dues. They only send summons and notices. Apart from that they cannot really enforce it. So the municipalities should be properly empowered to handle the situation so that they can collect their dues. It should be seen that funds are supplemented by the State Governments. The National Finance Commission should also look into the matter. Most of the funds are from Government allocation for various developmental activities. As it is, the Panchayat *mukhias* are not free to act on their own. They have to depend on various machineries, specially the BDO CO plus SDO etc. While welcoming this Bill I would like to caution the Government.

The process of alienation has started in this country. The process of alienation has started because people at the grass root level feel that they are being cheated and they are not part of the whole development process. It is only the elected bodies, elected people at the upper levels, the MLAs, MPs the Ministers at the Central level and the State level who enjoy all the benefits of India's freedom and not the people at the grass root level. That is the feeling of the common men in this country. So, this feeling must go. A number of people of our country feel that proper developmental process has not been percolated to them. Whatever development work has been done, that has been done in a very lopsided manner.

Some of the States have been developed. Some of the States have not been develoed. Some of the rural areas have been developed. Some of the rural areas have not been developed. A large part of our country has not been properly developed. So the people of these areas feel alienated. They feel that they are being cheated in the whole process. If you go to the rural areas, many people will tell you इससे तो अच्छा अंग्रेजी राज था।

They feel that they were better off in the British period and that this freedom of ours does not help them at all. So this feeling must go. India must stand united. Then this new menace of communalism is also coming into our body politic. This must also If you take care of the Panchayats, at the grass-root level, if you give power to the municipalities at the grass-root level they will be able to full the aspirations of the local people and this virus the communal virus, also will be eliminated. Thank you, Sir.

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh): Mr. Vice-Chairman, Sir on behalf of my party, I support the Constitution Amendment Bills brought before the House. While stating this, I must also refer to the remarks made by our hon. Minister, Shri Venkat Swamy. He said that the Rajya Sabha did not adopt this Bill though the Congress (I) Government had brought it earlier after it had been passed in the Lok Sabha. There are many reasons for that. Before the election, these Bills were brought with a view to devolve funds to the *sar panches* in order to influence their voting. That was why these were brought. Otherwise, everybody knows that the present provisions of regulating the elections, devolving the nancial powers to the panchayats and the reservation for

the Scheduled Castes, Scheduled Tribes and women were not at all implemented by the Congress (I)-ruled States. Most of them did not implement them. Only the other State Governments were implementing them. In fact, many of them have gone on record on the reservation question, in devolving of funds and so many other things. So this must be kept in view. In fact, this Bill had gone for consideration by the Joint Committee. And so many amendments were also made. Particularly, three good features are there. One thing is, the question of holding the elections regularly. They were not held for the last 15 years or 20 years. Some of the States did not hold elections both to the municipalities and the panchayats and the main defaulter was the Congress. Tho Congress-(I) ruled State did not hold elections. In order to correct this... (*Interruptions*) I am stating the facts not for creating a controversy. But these are the facts) That is why, this Bill, in its present form, says that elections are to be held for the Panchayats as well as the local bodies regularly once every five years. It is a good feature.

So we welcome it. And it does not also reduce the States powers because all these things belong to the State Subjects. But the States failed in some respects and the main failure was in not holding elections. And in order to correct it, this has come. That is why now our party welcomes it. The other thing is with regard to reservation. The reservations for the SCs, STs and women have been made uniform for all the States. So this is also a welcome feature. But this alone is not enough to correct the failures of so many panchayats. The Panchayat members must come from the masses from the downtrodden people also. But that aspect was overlooked in the previous Bills and in the implementation of those legislations also. Our hon. lady colleagues, Smt. Sushma Swaraj and Smt. Kamla Sinha have appreciated the way in which the Panchayats are functioning in West Bengal. They have been able to do it because of the land reforms that they have implemented able There is a will to implement the land reforms, and they have implemented them. That is why the oppressed masses in the villages could come to power in the villages. In regard to development of funds also, whatever is allotted by the State Government to the Panchayats, it goes to the Panchayats, and the elected Panchayats are able to make use of those funds and distribute those funds properly to the needy. That thing is going on. So, this concentration of land in the hands of a few must go in order to see that proper democratic norms are established in the rural areas. So, the Government of India must see to it that the land reforms are implemented. They have been repeatedly stating that the land reforms must be implemented. The target dates are fixed but they are never implemented at all. This March is another target. That target date would also lapse. So, these things are there. There is no political will in order to see that democracy is established there. That is the handicap for us. So, these things also should be taken note of.

The third thing is in regard to development of funds, development of powers, development of financial powers to the Municipalities as well as the Panchayats. This right in regard to development of funds is there. But wherefrom the funds come? That is the main question. Here is the Central Government going to do something in regard to this development of funds also or is it left to the State Governments? The State Governments are not in a position to distribute funds properly to these bodies. That is why in this connection, I must also bring to your notice what has happened in regard to the Jawahar Rozgar Yojana funds. And I must also state here that the Congress(I) Government, when in power was implementing the Jawahar Rozgar Yojana funds' devolution without the consent of this House itself and this House did not

[Shri Moturu Hanumantha Rao]

accept that Bill, that legislation. Though this House did not accept that Bill, it was done with a view to see that these funds were distributed among the sarpanches before the elections were held. To pool their votes behind them, these things were implemented. This is done arbitrarily, authoritatively, without the consent of the States, bypassing the States' powers also. What did these funds do? Did they help the village folk? I do not think so. There were innumerable complaints that these funds were misused by the sarpanches there. Some of them were not properly elected. Concentration of land-power is there. Those influential people are taking the cheques and making use of that money for themselves. These complaints had been there. So, we must see that the question of devolution of funds is also taken up seriously. I know many villages where their income is not sufficient to meet the expenditure, to maintain the minimum staff that was necessary for them. How will they function? On the other side, this picture is also there. In so many municipalities also, it is happening like that.

In some municipalities, a model Bill is circulated. A model House Tax Bill also must be prepared because in our State of Andhra Pradesh, the House Tax rates were recently enhanced many times the existing rates. There was a big agitation, dharnas were held. All the representatives of the municipalities were holding a convention in order to oppose this and bring to the notice of the State Government. The State Government, instead of giving some subsidy, is not able to give subsidy and that is why they allowed the municipalities to collect as much tax as they want and that is also not in a properly manner.

Corruption is at its highest peak now. I will only bring to your notice, Mr. Vice-Chairman, Sir, that in Vijayawada, a 4.5 lakh-gallon tank was built some four years ago and it collapsed like a house of cards last week. It inundated many houses and people died and so many other families were made homeless and all these things happened in the last week or so. That is why I say corruption is rampant. These things also must be checked.

Another things is about the higher rates of taxes. Our hon. Minister for Municipalities in our State, has said that the tax collected by Hyderabad and Secunderabad Municipal Corporations is the highest. Water tax is the highest in these twin cities. If anyone asks, 'Why are you collecting so much', he says, 'I am not having sufficint funds and so the highest tax is collected'. 'We are helpless in this matter', he is pleading. So, all these things are to be considered and proper, sufficient and adequate funds should be given to the local bodies if we are to see that they function properly.

Another thing is about roads. These amenities are not at all available in many municipal areas, particularly the slum areas are neglected like anything. Proper electricity supply is not there. The roads are very poorly maintained. Water supply is not very much. Almost one-fifth of the population in the urban areas is living in slums according to the Government statistics. So, these things also are to be taken into consideration and a proper code must be suggested. It is not that the Central Government should take all powers of the States. That should not be done. At the same time, guidelines must be given to all the States in regard to making use of these funds for repairing roads and for supply of electricity, etc.

Then I will say about direct and indirect elections at the level of the Zial Parishad. Now one M.L.A. gets elected from one constituency but for the whole district where there may be 15 or 25 or even 30 Assembly constituencies, one Zila Parishad Chairman is elected. That means, that this constituency becomes larger than even

a Parliamentary constituency. Sometimes it consists of two or three Parliamentary constituencies. If the Zilla Parishad Chairman is elected directly, it brings him into conflict with the elected members of the Zial Parishad. The same thing happens at various levels. Under this panchayat system, different patterns are followed in different States in regard to Panchayat President. If he is elected directly, some trouble will be there. And if he is not elected, there will again be some trouble coming up and there is a deadlock. The budget is not passed through the President alone. Then he cannot be removed also if he is directly elected. If he is indirectly elected, he is dependent entirely upon the elected members of the Panchayat, and the members would be vacillating, going here and there and the problem of *Aya Ram-Gaya Ram* would be there. Now that this would be left to the States, I suggest that a proper code in regard to the elections would be needed and all these things can be taken care of. I think the Bill would help us to create a proper atmosphere in regard to the implementation of our objectives of self-governing local bodies.

श्री सत्य प्रकाश मालवीय : माननीय उपसभाध्यक्ष जी, आज 23 दिसम्बर का दिन है और चौधरी चरण सिंह का जन्म दिवस है । राष्ट्रपिता महात्मा गांधी की कल्पना थी कि किसी दिन इस देश के प्रधान मंत्री के पद पर कोई किसान बैठे, ऐसा किसान जिसका जन्म देहात में हुआ हो । चौधरी चरण सिंह उत्तर प्रदेश के एक गांव की एक झोपड़ी में पैदा हुए थे और आजादी की लड़ाई में अपना योगदान देते हुए इस देश के प्रधान मंत्री के पद तक वह पहुंचे एवं अपने राजनीतिक जीवन के प्रारंभ में उन्होंने स्थाई निकाय के जरिए भी इस देश की सेवा की । तो इससे पहले कि मैं अपनी बात शुरू करूं, मैं उनके नाम का स्मरण करता हूं, सबसे पहले ।

यह जो दोनों विधेयक हैं, इनका मैं स्वागत करता हूं, हालांकि इनकी कुछ धाराओं के संबंध में मेरे मन में शंकायें हैं, लेकिन दोनों मंत्री महोदयों ने अपने शुरू के भाषण में उन शंकाओं का निराकरण करने का भी प्रयास किया है ।

श्री जी० वेंकटस्वामी : प्रधान मंत्री पी०वी० नरसिंह राव भी गांव से ही आते हैं ।

श्री सत्य प्रकाश मालवीय : वह जीवित हैं न, आज उनका बर्थ डे भी नहीं है ।

तो इन दोनों विधेयकों का मैं स्वागत करता हूं, शंकाओं की बात तो मैं बाद में करूंगा, इनमें जो प्रावधान रख गए हैं वह स्वागत योग्य हैं । चूंकि गांधी जी की कल्पना थी कि लोकतंत्र की जो आधारशिला है वह ग्राम से ही शुरु होती है और इस दृष्टि से इस देश के जो ग्रामवासी हैं, उनको जो अधिकार दिए जा रहे हैं और उसके साथ-साथ जो लोकतांत्रिक व्यवस्था बनने जा रही है वह सुदृढ होगी और वहां जो लोकतंत्र का हनन होता था, इस विधेयक के जरिए उसके समाप्त करने की कोशिश होगी । इसलिए मैं समझता हूं कि इसमें जितने भी प्रावधान हैं, उनका क्रियान्वयन राज्य सरकारों को अच्छी तरीके से करना पड़ेगा । मैं पुन: देश के गांव के संबंध में गांधी जी की बात का ही उद्धरण करना चाहूंगा :

"The Indian Independence must begin at the botton. Thus, every village will be a Republic or a Panchayat, having full powers. It follows, therefore, that every village has to be self-sustained and capable of managing its affairs, even to the extent of defending itself against the whole world. It will be trained and prepared to perish in the attempt to defend itself against any onslaught from without. Thus, ultimately, it is the individual who is the unit."

और मेरी समझ से गांधी जी की कल्पना जिसका मैंने अभी उद्धरण किया, उनका जो सपना था वह इन दोनों विधेयकों के जरिए साकार होने जा रहा है ।

[श्री सत्य प्रकाश मालवीय]

इसके साथ-साथ स्थानीय निकायों के से संबंधित विधेयक है और जैसा कि माननीय उपसभाध्यक्ष जी, आप जानते हैं कि जो लोग भविष्य में विधायक बनते हैं, एम. पी. बनते हैं और आजादी की लड़ाई के जमाने में भी जो स्थानीय निकाय हुआ करती थी—नगरपालिकायें, म्युनि सैल्टीज, कितने भी अथ पंक्ति के उस समय के हमारे नेता थे, सब उससे संबंधित थे और अंग्रेजों के जमाने में भी स्थानीय निकायों के जरिए इस देश की सेवा की। लेकिन यहां पर जो प्रावधान किया गया है कि इस तरह का विधेयक राज्य सरकारों को लाना पड़ेगा, यदि मान लीजिए यह नगरपालिकायें भंग हो गई तो उनके कार्यकाल के बाद छः महीने के अंदर चुनाव कराना पड़ेगा। यह बहुत ही सुन्दर और उचित व्यवस्था है।

श्रीमती शीला कौल उत्तर प्रदेश से आती हैं। उनको अच्छी तरह से जानकारी होगी कि 25-25 साल तक उत्तर प्रदेश में ऐसी नगरपालिकायें थी, विशेषकर अलीगढ़, मुरादाबाद जहां का चुनाव नहीं हुआ। मान्यवर, मैं स्वयं इलाहाबाद नगरपालिका का सदस्य था और वहां का मेयर भी था। लेकिन 1974 में जब इलाहाबाद नगरपालिका भंग करदी गई तो उसका चुनाव करीब-करीब 17 वर्ष बाद दोबारा 1983 में हुआ। इसलिए राज्य सरकारों का भी अब कर्तव्य होगा कि इसकी जो मूलभूत भावनायें हैं, वह उनका आदर करें। लेकिन जो स्थानीय निकाय हैं, उनको आर्थिक रूप से आत्मनिर्भर बनाना कैसे होगा, यह मेरी समझ में नहीं आ रहा है? जो म्यूनिस्पेलिटीज हैं वहां पैसे के अभाव में काम नहीं हो पाता है, जो ग्राम पंचायतें हैं जिनके पास पैसा नहीं होता है तो वह काम नहीं कर पाती हैं। तो इस संबंध में केंद्र सरकार को भी कुछ जिम्मेदारी वहन करनी पड़ेगी, क्योंकि जब तक पंचायत से लेकर के नगरपालिका या जो इसमें स्थानीय निकाय हैं, जब तक यह आर्थिक रूप से सुदृढ नहीं होंगी तब तक यह जो दोनों विधेयक हैं, उनकी मंशायें पूरी नहीं होंगी। इसलिए मंत्री जी उत्तर देंगे तो मैं जरूर इस संबंध में आश्वासन चाहूंगा कि इस संबंध में केन्द्र सरकार, राज्य सरकारों की और इनके जरिए इन स्थानीय निकायों की क्या मदद करेगी, क्योंकि यह बहुत ही आवश्यक है?

दूसरे, इसमें अयोग्यता का भी प्रावधान रखा गया है। इसमें कहा गया है कि किन-किन कारणों से लोग चुनाव लड़ने के लिए अयोग्य हो जायेंगे। आजकल आप जानते हैं कि धर्म के नाम पर राजनीति का दुरुपयोग हो रहा है या राजनीति के नाम पर धर्म का दुरुपयोग हो रहा है। 6 दिसम्बर की जो घटना घटी, वह इसी कारण से घटी। यह बहुत ही दुर्भाग्यपूर्ण घटना थी। लेकिन राम के नाम पर या मस्जिद के नाम पर इस देश में आज भी वोट मांगे जाते हैं। मंदिर और मस्जिद के नाम पर या अन्य जितने उपासना स्थल हैं, उसका राजनीतिक कार्यों के प्रयोग के लिए दुरुपयोग होता है। तो मेरा अनुनय विनय है कि इस संबंध में भी प्रावधान करना चाहिए था कि जो लोग राजनीति का इस्तेमाल मजहब से जोड़ेंगे या जो धर्म का इस्तेमाल राजनीति के लिए करेंगे या वोटों के लिए करेंगे, उनको चुनाव लड़ने के लिए अयोग्य करार दिया जाएगा। अभी न सही, भविष्य में इस तरीके का प्रावधान करना पड़ेगा क्योंकि धर्म के नाम पर आज देश को बांटने की साजिश हो रही है, इसलिए इस ओर ध्यान दिया जाना चाहिए। इस बिल से आज चौखंभा राज की कल्पना पूरी हो रही है। डा० लोहिया ने भी चौखंभा राज की परिकल्पना की थी—पंचायत, पंचायत के बाद जिला, जिला के बाद राज्य और राज्य के बाद केन्द्र लेकिन उनके मन में हमेशा शंका रहती थी कि जब तक पंचायतों को पूरे अधिकार नहीं दिए जाएंगे तब तक सही मायनों में इस देश में गणतंत्र पूरा नहीं होगा। इसलिए इस संबंध में जो विधेयक राज्य सरकारें बाद में बनाएंगी, उनको इस संबंध में विशेष रूप से ध्यान करना पड़ेगा। मैं इस पर ज्यादा नहीं बोलना चाहता क्योंकि मेरी पार्टी के ही श्री ईश दत्त यादव बोलने वाले हैं लेकिन पंचायत के संबंध में एक पुस्तक है "विलज पंचायत इन इंडिया" जिसमें श्री यू०एन० ढेबर का इंट्रोडक्शन है। उसको मैं जरूर पढ़ना चाहूंगा। इस किताब में जवाहर लाल जी का फोरवर्ड भी है। यह किताब हर्षदेव मालवीय

ने लिखी है जो राज्यसभा के सदस्य थे। घेवर साहब ने इंट्रोडक्शन में लिखा है कि—

"The village Panchayat is not merely a decentralised form of administration. It is a medium through which we want the Indian people in rural areas to express themselves on the administrative, social and economic problems of the country and evolve an integrated Indian community through a process of emotional integration. It is not only that we want every citizen of the country in the rural areas to actively associate himself with the governance of the country through Village Panchayats but we want to provide him with an opportunity to express himself through this system and help him in the process to develop himself in an integrated citizen of an integrated State."

मैं समझता हूं कि जो घेवर साहब की कल्पना थी वह इस विधेयक से पूरी होगी। इसलिए इन शब्दों के साथ मैं इन दोनों विधेयकों का स्वागत करता हूं लेकिन मंत्री जी मेरी शंकाओं का समाधान अवश्य करने की कृपा करें।

SHRI V. GOPALSAMY Mr. Vice-Chairman, Sir, I rise to oppose these two Constitution Amendment Bills, Seventy-second and Seventy-third Amendment Bills. I would like to register the view-points of my party and also my own personal views opposing these two Constitution Amendment Bills. My hon. friend Mr. Satya Prakash Malaviya, was giving a warning that there is a danger to the unity and integrity, democratic functioning and secular fabric of this country due to the communal frenzy and fundamentalism whipped up by jingoist elements. While I agree with him about the threat to the secularism and democracy, we should not forget the fact that if you want to preserve democracy and secularism, the cardinal principle to be established is the concept of federalism. Today India is standing at the cross-roads of history. Our democracy is in question, unity is in question, integration is in question, the future of secularism is in question. Whether India will be made a theocratic State or it will continue to be the secular State, this is the question before the minds of the people all over the world today. After the destruction of the mosque on 6th December every capital of the world is very much concerned about the future functioning of democracy in India. Therefore, Sir, may I recall the words of Pandit Jawaharlal even before the day of independence? During the days of the freedom-struggle, he insisted on one point: Unity in diversity. Then only the country could be preserved. Therefore, Sir, it is the Congress Party which opposed the resolution proclaiming provincial autonomy in those days. Even at the Karachi Congress, the famous resolution advocating provincial autonomy was opposed. Then what happened? Since Independence, systematic efforts have been going on to assault the federal character.

Some of my learned friends may argue that India is not a federal country and India is only quasi-federal. Sir, it is a paradox of history that India is neither a federal country nor a unitary country. It is neither federal nor unitary, neither this way nor that way. It is called quasi-federal. But, Sir, wherever the totalitarian system is practised, the system has collapsed. We have witnessed it in Eastern Europe. Even though the system was established with a well-defined social science and with all the mighty power of a Central Government, the system has collapsed. Therefore, Sir, whenever there is a sinister attempt, a nefarious attempt, against the spirit of federalism, we raised our cudgels against it. Therefore, it is my bounden duty to oppose these two Constitution Amendment Bills.

Sir, I remember the day, that is, 16th August 1989, when the leader of my party in Parliament, Shri Murasoli Maran, made a scathing attack on the nefarious move, the

[Shri V. Gopalsamy]

sinister move, of the then Government to strike at the very root of the concept of federalism, and it is an irony that that day also you were in the Chair. Sir, I also remember there was tension inside the House till the voting took place. My friends on the Treasury Benches were very jubilant, expecting that the Bills would be passed. But there was tension. There were some attempts at horse trading also. But what happened finally? When the verdict was announced, I remember the gloom in the faces of my friends on that side, along with their leader, Mr. Rajiv Gandhi. Sir, now the same sinister attempt has been launched again.

First of all, if you go into the Bill, there is a mention about Gram Sabha. Sir, in some of the States they may need the definition of "Gram Sabha". People in Pondicherry and Tamil Nadu will be confused if you say Gram Sabha instead of Village Panchayat. I start from the very beginning itself because the system varies from State to State. The system of Panchayats, the pattern of local self-government, differs from State to State. Even within the Southern States it is not the same. So the States have to decide about Gram Sabha and Village Panchyat. A little bit of confusion is there. If there are six or seven hamlets in a particular Village Panchayat area how many Gram Sabhas will be there? What will be the powers and functions of the Gram Sabha? What will be the role of the Village Panchayat?

Sir, in no uncertain terms I would like to oppose this provision of the three-tier system. In this Bill, on page 2, the proposed article 243 B (1) says:

> "There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this part."

They have given exception to tiny States having a population not exceeding twenty lakhs. But what about the States having a population of more than 20 lakhs? For example, take my home State of Tamil Nadu. For what reasons are you introducing this three-tier system? When you say that the States of Andhra Pradesh and Uttar Pradesh demand it, that there is a demand that the three-tier system should continue in the State of Bihar, in the State of Madhya Pradesh, all right, let them have it.

Sir, we have already experienced this three-tier system. This was introduced by the British. The three-tier system was there. The district-level bodies, the "Zilla Parishads" as they were called, were there. The Zilla Boards were there before Independence, and after Independence also they continued for quite some time. But what happened? When Mr. Kamraj became the Chief Minister of the State, he came from the grass-roots level. He understood the problems of the people. Therefore, he took a bold decision to do away with the Zilla Parishads, the District Boards. Now you are again introducing the three-tier system. At the district level there will be an apex body, the District Board.

As on to-day, the system is like this. There are Panchayats at the village level, then, the Panchayat Unions comprising 20, 30, 40 Panchayats, according to the area of the Panchayats. That is at the intermediate level. At the district level there is the District Development Council which is an advisory forum where the Collector of the District is the head of that forum, where the Chairmen of the Panchayat Unions, that is, those at the intermediate level, along with the Members of Parliament and the Members of the Legislative Assembly are the Members of the District Development Council. It is only an advisory forum. Now you are bringing it back. You have made it mandatory on the part of the States that they should have the District Boards. You could have simply left

it to the discretion, option of the States to see whether it suits them or not.

For what reasons did Mr. Kamaraj abolish the Zilla Parishads? It is because of a simple reason. Only the money-bags, the big *mirasdars* or *za mindars* or people having muscle power and money power, will become the heads of the District Boards, and there will be a parallel competitive administration. This will create a lot of complications. You have proposed elections, not direct elections, but indirect elections, again to the District Boards. You have made indirect eletcions to the District Boards mandatory. Then, a lot of horse-trading will be going on. The voters will be kidnapped. Then, all nasty business will be there. The caste leaders, the bootleggers, the people who are having the support of the bottleggers and the people who are having the support of the money-bags, will become chiefs of the Zilla Boards. That is why this was abolished. I am very much pained what happened to the dreams of Kamaraj, because today they are telling that Kamaraj Raj will be established. In my State at every platform my Congress friends are raising the slogan 'bring back Kamaraj Raj'. They are entitled to raise that slogan. I am not opposing raising of that slogan. But with all sincerity I would request my friends from my State could they agree to this? No. In their heart of hearts definitely they would not agree to this. You touch your conscience and reply to my question. You cannot spport this move if you really want to establish a Kamraj Raj. Kamraj was simply forgotten by you people. And when you celeberated his centenary at Bombay, he was simply forgotten. Even his photograph was changed. His photograph did nit find a place in the souvenir on the centenary celebration of Kamraj.

SHRI S. K .T. RAMACHANDRAN: (TAMIL NADU): I am very sorry, Mr. Gopalsamy is misleading the House. Mr. Kamraj was not forgotten during the centenary celeberations. For instance in Tamil Nadu, Kamraj Centenary Celeberation was celebrated on his birthday. Elsewhere also his photograph was displayed. As a Centenary Congress Convener of Tamil Nadu, I quite disagree with him and refute what he says.

SHRI V. GOPALSAMY: In deference to the views expressed by Shri S. K. T. Ramachandran, I agree they celebrated it at functions in Madras. It is all right. But when the celebrated took place in Bombay, the souvenir was released by none other than Mr. Rajiv Gandhi. In that centenary celebration souvenor, Kamraj's photograph did not find a place. Instead Pattabhi Sitaramaiah's photograph was there and underneath it was written 'Kamraj Nadar'. I produced a copy of the souvenir on the floor of the House. Could you deny the facts? It was an insult to Kamaraj I said the copy should be banned on the streets. I said this on the floor of the House.

SHRI S. K. T. RAMACHANDRAN: On the basis of the printer's devil, Mr. Gopalsamy cannot ... (*Interruptions*) It was condemned then and there by us. (*Interruptions*)

SHRI V. GOPALSAMY: It is such a printer's devil that instead of putting the name of Mahatma Gandhi, you put up the name of Godse.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Gopalsamy, we are now discussing the Panchayati Raj Bill. Mr. Ramachandran you will get your chance. At that time you speak.

SHRI V. GOPALSAMY: I am coming to the Bill, Sir, The reasons for which the Zilla Parishads were abolished by Mr. Kamraj were simply forgotten by your friends. You are opening the Pandora's box again. You are bringing back those days of *Zamindari* and *Jagirdari* system. This is the feeling in Tamil Nadu. As far as local bodies like the local-self-Government are concerned, we have

[Shri V. Gopalsamy]

been the pioneers. Even centuries and centuries ago we were the pioneers. The local-self-Government was established during the days of Pandias, during the days of Cholas, which was glorified by Pt. Jawaharlal Nehru in his famous letters to his daughter, when he was in prison. So, that concept of local-self-Government and village Panchayat is there in our blood. But here what was abolished long back, after deep contemplation and assessment without making any further assessment, you want to simply thrust it. I do not know what happened to my friend from AIADMK. They simply vanished in thin air today because they are faced with a serious problem. I do not know. They are panicky because some of the armed forces were deployed. They are panicky even at the sight of a Khaki-clad man. We are getting phone calls throughout the midnight asking what is happening to the Tamil Nadu Government. I told them: 'You are dialling a wrong number. You dial either Mr. S. B. Chavan or Mr. Jacob. They will be able to tell you what is going on there'

SHRI SATYA PRAKASH MALAVIYA: Or Dr. Swamy.

SHRI V. GOPALSAMY: Sir, I am coming to the second points. The three-tier system..

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): You have to come to the last point.

SHRI V. GOPALSAMY: That is why I said that the Bill should be taken up only in the next session. But our hon. Minister said that I can take sufficient time.

THE VICE-CHAIRMAN (SHRI V. NARANASAMY): You may proceed now.

SHRI V. GOPALSAMY: I know that my amendments will be defeated. I know that the Bills will be passed. Whatever I express with all the force at my command, with the fullest lung power, nothing is going to change the decision of the government. But to satisfy my conscience and also to register my points for perusal by posterity, I am putting forth my arguments one by one.

Regarding the system of elections, it has been proposed to leave it to the discretion of the States. What mischief has been done now in this Bill? I quote: "The Chairperson of a Panchayat at the village level shall be elected in such manner as the Legislature of a State may by law provide." Well done. But the mischief comes next. "A Panchayat at the intermediate level or the district level shall be elected by and from amongst the elected members thereof" Why don't you give the same discretion to the States? What made you to change this? In the meeting we were given an impression that the discretion will be left to the States not only at the village Panchayats but at the intermediate level also. Now you have made it mandatory to elect a person through indirect elections. There will be again horse-trading and kidnapping of members. Some of my friends are putting forth arguments that it will be very expensive and direct elections means it will be another General Elections. But the same amount will be spent by the political parties and candidates in the indirect elections also. They will be paying money and will go into the pockets of the individuals who are the voters. They will seek the support of those voters. The political parties will not be able to play their role beyond a certain limit. If there are direct elections, the political parties will come to the platform and explain to the voters: "This is my candidates. This is my symbol. Please vote for our candidate." The candidates can be elected by the electorate, by the people thmselves. Here because of indirect elections, the spirit of democracy is killed. Therfore, in Tamil Nadu, as on date, the system is through direct elections even at the intermediate level and for the Chairmen of the Panchayats also. Now you have

changed it. Therefore I oppose this dangerous provision of taking away the powers of the States. The three-tier system, elections through indirect means and then this provision of the Eleventh Schedule and the Twelfth Schedule, what for you are introducing these things? You want to trespass into the dominion of the States. You want to trample upon the rights of the States. You want to jump over the heads of the States. Therefore, bypassing the State Legislature you have given an entry into the State List, that is, in the Eleventh Schedule and the Twelfth Schedule. Sir, here, it is very clear in the Seventh Schedule, State List, item 5. I quote:

> "Local government that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration."

Sir, the Seventh Schedule itself is a fraud against the States. The residuary powers are not vested with the States as it is in some of the other federal democracies. These powers are vested with the Union in addition to the powers the Union Governments has already been given. They are treated like petty municipalities. Already, during the Emergency, education was taken away from the State List and brought under the control of the Centre. Even the items under the State List. If Parliament wants to exercise its powers, can be taken away. Now, for what reasons have they put there these two items, the Eleventh Schedule and the Twelfth Schedule? In the Eleventh Schedule, in item 1, you have mentioned agriculture, including agricultural extension. This is the same thing as in itam No. 14 of the Sate List of the Seventh Schedule; item No. 2 here is item No. 18 in the Seventh Scheduled; item No. 3 here is about minor irrigation, water management, and watershed development which finds place in item No. 17; item No. 4 here, animal husbandry, dairying and poultry is item No. 15 there; again, item No. 5 here is item No. 21 there. For what reasons have they introduced the Eleventh and the Twelfth Schedules? You say the functions and powers will be decided by the States as far as the Eleventh and the Twelfth Schedules are concerned. What is the necessity of introducing these Schedules? When the State Governments are there, when the State Legislatures are there, they will decide what items should be given, what powers should be given to the local bodies.

Sir, I, of course, welcome the provision in the Bill that elections should be conducted at the expiry of five years mandatorily. I welcome it. The State Governments cannot escape. In my State, for many years, elections wer not held. Even today, elections are not held. So, make it mandatory that at the expiry of five years, election should be conducted. The provision for making reservations for the Scheduled Castes and the Scheduled Tribes is to be welcomed. The provision for making reservations for women is to be welcomed. We have passed resolutions in our party forum under the dynamic stewardship of my leader, Dr. Kalaignar, that reservations should be made for women, the Scheduled Castes and the Scheduled Tribes. We agree with them. Even the mention of the backward classes is to be welcomed, I welcome the spirit. These are the one or two items which we can welcome. But *in toto* you are putting a bitter poison against the federal concept.

Sir, in Kerala, when our Marxist friends were heading the Left Front Government, Mr. Nayanar introduced commendable steps for the upliftment of the panchayats. But what happened? All his efforts were buried when the Congress took over the charge. The same thing happened in

[Shri V. Gopalsamy]

Karnataka. Mr. Ramakrishna Hegde introduced ceratin normal measures, commendable measures. They were also annulled and abolished once the Congress took over the charge.

SHRI H. HANUMANTHAPPA (KARNATAKA): They were not abolished.

SHRI MENTAY PADMANABHAM: (ANDHRA PRADESH): They were deferred in spite of the decision of the High Court. (*Interrupions*)

SHRI H. HANUMANTHAPPA: No. They were not deferred.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Gopalsamy, are you concluding?

SHRI V. GOPALSAMY: Sir, I will take only two or three minutes. This is a dangerous attempt on the part of the Central Government. This will create a lot of complications as far as my State is concerned. (*Interruptions*)

SHRI H. HANUMANTHAPPA: You have been accepting every provision. Now, what complications will it create?

SHRI V. GOPALSAMY: No. We have all along been advocating reservation for women, reservation for SC and ST and we have all along been demanding that eletcions should be held periodically without failure. You are putting poison with these one or two provisions. Why are you introducing the old system? Why are you taking away the rights of the States? Why are you taking away the discretion of the States? It is the State which has to decide in what manner the elections should be conducted. Therefore, it is yet another abominable assault on the concept of federalism, against the State autonomy and if the trend goes on like this, then it would have serious consequences. During the British days, they wanted to have agents at the district-level like *Nawabs*. Now you want to surpass, bypass and supersede the State Governments and want to create problems. What is to be given and what is not to be given, should be decided by the State Government and not by the Centre. You have not given more powers to the States. Why are you trespassing, why are you trampling upon their rights? It is a dangerous signal. Mr. Hanumanthappa, you will agree with me, if you want to protect the unity and integrity of this country, then the concept of federalism should be preserved. Otherwise, when there is a danger from the BJP forces, the *Sangh Parivar*, against the secular edifice, you are launching another frontal attack against the federal character from both the sides. The result would be, the system will collapse. Therefore, I am opposing these two Bills... (*Interruptions*)

SHRI H HANUMANTHAPPA: In toto?

SHRI V. GOPALSAMY: I have moved some amendments. (*Interruptions*) Would my hon. friend from the other side agree with me that they don't want to preserve the concept of federalism? Do you want to preserve the concept of federalism? Will you agree with me? (*Interruptions*)

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Please conclude.

SHRI V. GOPALSAMY: Mr. Hanumanthappa is a man of conscience... (*Interruptions*)

SHRI H. HANUMANTHAPPA: None of the clauses are against the concept of federalism.

SHRI V. GOPALSAMY: Clause No. 2 is against federalism. Clause No. 4 is against federalism. (*Interruptions*). I oppose these Bills. I have moved certain amendments and if they want to pass the Bills, these amendments should be accepted.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. S.K.T. Ramachandran. (*Interruptions*)

SHRI MENTAY PADMANABHAM: Mr. Vice-Chairman, why don't you

exhaust the list of the Opposition Members who want to speak and then you give chance to the Members from the Congress side? You first give chance to the Opposition Members.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): There are only two or three speakers. (*Interruptions*). We have to balance it also. Mr. Ramachandran, you speak. (*Interruptions*)

SHRI MENTAY PADMANABHAM: Why do you change the order? Then you can call me any time you like. This is not correct. I register my strong protest against this. How can you change the order?

THE VICE-CHAIRMAN (SHRI V. NARAYANSAMY): It is because nobody from the Congress side was called to speak. (*Interruptions*) .The Members from the Congress Party requested that they should also be allowed to speak. (*Interruptions*)

SHRI V. GOPALSAMY: Sir, it was decided that all the Members from the Opposition parties will be given a chance to speak first and if time is left after they have spoken, then you can give it to the Members of the ruling party. (*Interruptions*) Why do you change it? (*Interruptions*)

SHRI MENTAY PADMANABHAM: You cannot treat Members like this. I take a strong objection. I am sorry, ... (*Interruptions*) ...

SHRI S. K. T. RAMACHANDRAN: Mr. Mentay Padmanabham, I made a humble request. What is this?... (*Interruptions*) ...

SHRI MENTAY PADMANABHAM: How can you change the order? How can you change the order?

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I am not changing the order... (*Interruptions*)

SHRI V. GOPALSAMY: Mr. Vice-Chairman, we were informed... (*Interruptions*) ...We are given to understand that... (*Interruptions*) ...

SHRI MENTAY PADMANABHAM: The Congress Party has withdrawn all its speakers... (*Interruptions*) ... You are giving a chance to the Opposition parties and after exhausing all the Opposition Members, give time to the Congress Members... (*Interruptions*) ...May I make a suggestion, Sir? Anyway, you call Mr. Ramachandran. Let him speak. Afterwards give me a chance... (*Interruptions*) ...

SHRI GURUDAS DAS GUPTA (West Bengal): Mr. Vice-Chairman, Sir, we had a detailed discussion today, spilled over two days and all the leading Ministers were present in the discussion. It was agreed upon—and let the hon. Minister of State for Parliamentary Affairs stand up and say that it was agreed upon—that the Members of the Opposition would have a chance to speak. Even the Minister assured that they were going to withdraw the speakers. I don't mind if hon. Members from the other side speak; I don't mind that. but the point is the assurance that the leaders of the Government have given to us has to be obeyed.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The Parliamentary Affairs Minister has already agreed... (*Interruptions*) ...

SHRI GURUDAS DAS GUPTA: If the Congress Party decides that hon. Members from that side should speak, they should speak but only after the Members of the Opposition finish. Let there be no departure from that... (*Interruptions*) ...

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Sir, the idea was to have

[Shri M. M. Jacob]

the voting done exactly at 5 O'clock, as the Chairman announced in the morning. What we have said was that different Opposition Parties must get their time and the Congress Party will not stand in the way of their getting time. But in any case when Mr. Gopalsamy spoke and he was referring only to Tamil Nadu another Member from Tamil Nadu expressed his desire. That is the only truth.

SHRI GURUDAS DAS GUPTA: Mr. Jacob, in that case I don't mind if some hon. Members from your side want to speak, but let them speak after the Opposition speakers finish... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): That is the assurance already given . What is the argument?... (*Interruptions*)...

SHRI H. HANUMANTHAPPA: Day in and day out you are departing from so many arguments and procedures. You are asking us not to make a departure!... (*Interruptions*)

SHRI M. M. JACOB: I have not concluded. I have not concluded... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Ramachandran, do you want to dictate?... (*Interruptions*)...Mr. Ramachandran, take your seat. You take your seat. After the Opposition Members' time exhausted you will be called. Mr. Gurudas Das Gupta.

SHRI M. M. JACOB: Mr. Vice-Chairman, all the parties who are represented here will be given time to speak. If there is any time left before 5 o'clock, other Members from the Congress Party can speak; otherwise, nobody else from Congress will speak except Mr. Ramachandran who wants to speak something about Tamil Nadu.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): O. K. Gurudas Das Gupta.

SHRI GURUDAS DAS GUPTA: I am Sorry. I wish the Members from the Congress side should speak, but let the hon. Members from the other side exhaust their arguments...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): That has already been decided. You can speak now.

SHRI H. HANUMANTHAPPA: Sir, I just want it to go on record. Mr. Gurudas Das Gupta, you want to say because of the agreement there should not any departure. But day in and day out you are departing from so many arguments. Sir, he speaks one thing in the Chamber of the Speaker but something else... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Don't create any controversy. Mr. Gurudas Das Gupta, if you want to speak, you can speak.

SHRI GURUDAS DAS GUPTA: Sir, I only concede the request of the Congress Member. Let him speak. Let him speak. I have only taken this stand because some Members of this side have taken exception. I concede. Let him speak. I concede. No problem.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): If he agrees, then you speak, Mr. Ramachandran.

SHRI S. K. T. RAMACHANDRAN: Mr. Vice-Chairman, Sir, I am very glad because the whole House gave me this opportunity to put a few points before the House. Before talking about the Panchayati Raj Bill, I want to congratulate the House for the manner in which it behaves now-a-days. Instead of giving it in a prose form I think I could give it in a poem of four verses.

Thunder, lightning, storms enraged (House)

Plundered peace, calmness revaged

Wonder I now, silence prevails

Render glory, the world smiles.

SHRI V. GOPALSAMY: But still thunder is there.

SHRI S. K. T. RAMACHANDRAN: No, no. There is no thunder. Mr. Gopalsamy always wants thunder. This is a Bill which every Member accepts as a historic one. It is going to make a change in our democratic system. The Bill was envisaged by our beloved leader Rajiv Gandhi to give power to the people. Our motto is to give power to people. Those who do not agree to this Bill, are not willing to share power with the people, they are very much narrow minded. When they fight for power for themselves they don't want to allow the power to percolate to the lower levels. Some of our friends alleged that the Bill was brought with a motive by the previous Government which was led by our beloved leader Rajiv Gandhi. I really pity them. The motto, the objective, was to give power to people and nothing else. Now, they say they agree to the Bill because the Bill is brought on a different occasion. I want to say only one thing. The Bill is always there with the same motive. They saw the Bill through a different, coloured, glass then. Now they see the Bill through a different, coloured, glass. That is the only difference. They have changed the glass, the optical glass. But the motive of the Bill is always the same, an affirmative motive.

SHRIMATI MIRA DAS (Orissa): Sir in my State of Orissa there were no panchayat elections and municipal elections for the last ten years and this year we had our elections. During that time also Rajiv Gandhi was the Prime Minister at the Centre and the Congress was ruling the State of Orissa.

SHRI S. K. T. RAMACHANDRAN: I don't want to go into the details of the subject. I would simply say that they changed the colour of their glasses. Mr. Gopalsamy drew the name of Kamaraj, our great leader, into his speech. I appreciate him very much for at least now recognising the greatness of our great leader, Kamaraj. But at the same time, what creates doubt in my mind is, the devil quoting the scripture. The DMK has never got a correct perception of anything. They always misconceive. The whole country is for the Bill; the whole country is for the integration of the country; the whole country is for more powers to the people, but they say the power should be shared by the elite of the party only. What else can I understand from his speech? He says that Kamaraj brought a Bill to, what I call, abolish the erstwhile District Boards.

SHRI V. GOPALSAMY: Wasn't Kamaraj right?

SHRI S. K. T. RAMACHANDRAN: No, I never say that Kamaraj was wrong. Kamaraj was the only leader who was infallible... (*Interruptions*)

SHRI PASUMPON THA. KIRUTTINAN (Tamil Nadu): Then you are right... (*Interruptions*)...

SHRI S. K. T. RAMACHANDRAN: Yes, always. If you accept that I will bow to you. I will salute you. You see I am a son of Shri Kamaraj. I came into politics inspired by him. When the DMK came to power I thought the country would get devastated. So I gave up my Government service. I never wanted to work under the Dravidian rule. So I resigned and plunged into politics. I became a disciple of Kamaraj. That Mr. Gopalsamy also knows... (*Interruptions*)...

SHRI SANGH PRIYA GAUTAM: Neither are we discussing Kamaraj nor are we discussing Tamil Nadu. We are discussing Panchayati Raj and let us talk of Panchayati Raj... (*Interruptions*)...

SHRI V. GOPALSAMY: Mr. Ramachandran, do not spare the BJP. You criticise them and I will support you... (*Interruptions*)...

SHRI DIPEN GHOSH (West Bengal): Talk about Panchayati Raj... (*Interruptions*)...

SHRI S. K. T. RAMACHANDRAN: Kamaraj abolished the District Boards. Kamaraj would have whole-heartedly supported this Bill because the Bill seeks to integrate the country. The Bill wants to give more power to the people. The Bill seeks to enlighten the people from the rural areas. Until now what has been happening? We used to thrust on the lower level people, decisions taken by us. They had no say in the formulation and execution of the Plans. There used to be some stereotyped plans which used to be thrusted upon them and they had to take them. Now that is not the case. There are different levels. The first level is the Gram Sabha. The second level is the Panchayat Union or the intermediary level. The third level is the District level or the Zilla Parishad. Mr. Gopalsamy said, "Why should we have these names?" You see they are frightened by names. They are not fighting for a cause. They are not fighting for objectives. They are fighting for silly things. They never have noble objectives in their minds... (Interruptions)...

SHRI V. GOPALSAMY: The only noble objective is Congress power... (*Interruptions*)...

SHRI S. K. T. RAMACHANDRAN: You see, Gram Sabha may be called Gram Sabha. The Panchayat at the lower levels or the village levels is called Gram Sabha. There is the intermediary level. It is left to the State Government or the local people to call it by an name. At the District level it is called Zilla Parishad. The question is whether we should have Zilla Parishad or not. Why should we have them? That is the question before us. We should have them? Because its the wish of the people of this country and that has been reflected in both the Houses of Parliament. It is only the DMK that is creating problems. Only DMK differs from us. The DMK is delinked from the mainstream, that is India. The DMK is trying to delink the whole of Tamil Nadu from the mainstream and I will say the DMK will not succeed in their attempt. The Tamil Nadu people know about it... (*Interruptions*)...

SHRI V. GOPALSAMY: He is talkign of DMK. In Taiml Nadu they have been thrown out of power for the last 25 years... (*Interruptions*)...

SHRI PASUMPON THA. KIRUTTINAN: He is making allegations against our Party... (*Interruptions*)...

SHRI TINDIVANAM G. VENKATRAMAN (Tamil Nadu): He is making allegations against our party... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I will go through the records... (*Interruptions*)...

SHRI S. K. T. RAMACHANDRAN: The structure... (*Interruptions*)...

SHRI V. GOPALSAMY: Sir, he is making allegations... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): If there are any allegations made against any political party.... (Interruptions..

SHRI TINDIVANAM G. VENKATRAMAN: Sir, it should be expunged ... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY: I will go through the records... (*Interruptions*)...

SHRI V. GOPALSAMY: Sir, Mr. S. K. T. Ramachandran is saying that the DMK is asking for separation. That should be expunged..... (*Interr- uptions*)...

SHRI S. K. T. RAMACHANDRAN: The Bill seeks to unite... (*Interruptions*)... Theyhave their own definition for integrity. They have their own definition for unity. They have their own definition for decency.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Ramachandran, you proceed with the Bill... (*Interruptions*)...

SHRI V. GOPALSAMY: You were thrown out of power for the last 25 years.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Gopalsamy, you don't interrupt him when he speaks ...(*Interruptions*)...

SHRI S. K. T. RAMACHANDRAN: Were you able to succeed? You were defeated by lakhs and lakhs of voters. If that is the case, you have no right to talk about the Tamil people... ...(*Interruptions*)

SHRI V. GOPALSAMY: Can you contest alone? ...(*Interruptions*)

SHRI S. K. T. RAMACHANDRAN: We have the guts...(*Interruptions*) Mr. Gopalsamy, where is your patriotism placed? (*Interruptions*)

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Ramachandran, you speak on the Bill, Mr. Gopalsamy, kindly dont interrupt'...(*Interruptions*)

SHRI PASUMPON THA. KIRUTTINAN: He should not cast personal allegations...(*Interruptions*) You ask him to speak relevant points.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): That is what I told him.

SHRI S. K. T. RAMACHANDRAN: Now I will come to the Bill...(*Interruptions*)

SHRI MISA R. GANESHAN (Tamil Nadu): Now he has agreed...(*Interruptions*)

SHRI DIPEN GHOSH: Mr. Ramachandran, you speak on Panchayati Raj and not on Kamaraj.

SHRI S. K. T. RAMACHANDRAN: Kamraj is Panchayat raj, panchayat raj is Kamaraj. But for Kamaraj, there would not have been modern India. Kamaraj was the man who saved our country when it was in great distress. The spirit of Kamaraj should reach everybody's mind. He said that India would be a great country in a few decades...(*Interruptions*)

SHRI V. GOPALSAMY: Who insulted Kamaraj in Congress?

SHRI S. K. T. RAMACHANDRAN: Yourself.

SHRI V. GOPALSAMY: That is not the history.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY:): You have to conclude now.

SHRI S. K. T. RAMACHANDRAN: I was the man who took Kamaraj to Gopalsamy's house.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): You try to conclude now...(*Interruptions*)

SHRI S. K. T. RAMACHANDRAN: Let calm prevail...(*Interruptions*) The district panchayat is essential. In order to formulate the plans according to the wishes and needs of the local population, the district level panchayat is an essential one. It should be constituted with the elected members. Now the bureaucrats are sitting there and they are not at all working according to the wishes of the local people. Mr. Gopalsamy says that we should not elect the chairperson from among the elected persons. The reason he said is very much deplorable and it is an insult to those people who are in public life. He said, "If that system is allowed, then bootlegging will be there; kidnappings will be there." I think probably it might have been his experience. He was a Panchayat Union Chairman. Then he came to power only by that way...(*Interruptions*)

SHRI V. GOPALSAMY: I was Chairman of the Village Panchayat as well as the Panchayat Union. He worked with me in the Panchayat Union some years back. He is saying that it might be my experience. Some of the members from his side had supported...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Don't talk about personal things, Mr. Ramachandran... (*Interruptions*)

SHRI SANGH PRIYA GAUTAM: There should not be a personal reference.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): You try to conclude... (*Interruptions*)...

SHRI S. K. T. RAMACHANDRAN: What I want to say... (*Interruptions*).

AN HON. MEMBER: This is not the place to discuss about your personal... (*Interruptions*)...

SHRI S. K. T. RAMACHANDRAN: Whoever he may be—whether he is a member of the Panchayat or is a member of an intermediary panchayat or is a member of a Zilla Parishad—he is elected by the people. The electoral college is formed by the people. Any affront to such an elected member is an affront to the electoral college and to the whole people. I would like to make an appeal to the whole House not to show any disrespect. It is not good... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): You kindly conclude. Kindly do not interrupt him... (*Interruptions*)...

SHRI V. GOPALSAMY: I am on a point of order. What he said is a personal insinuation because he said it might be from my personal experience. That should be expunged.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I will go through the record. If there is any personal reference, I will remove it from the record. Whatever you spoke against a person also will be removed from the record.

SHRI S. K. T. RAMACHANDRAN: I never try to attribute any motive to my associates... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Any personal insinuation by both of you will be removed... (*Interruptions*)...

SHRI S. K. T. RAMACHANDRAN: I never try to attribute a motive to any of my associates, especially to Mr. Gopalsamy.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Ramachandran, you conclude, please.

SHRI S. K. T. RAMACHANDRAN: If Mr. Gopalsamy feels that it is a personal insult to him, I am ready to apologize... (*Interruptions*)...It is not my intention.

SHRI V. GOPALSAMY: I am very much touched. Thank you.

SHRI S. K. T. RAMACHANDRAN: When I was an officer, he was a student of 10th standard... (*Interruptions*)...I went to his house. I took Shri Kamaraj to his House... (*Interruptions*)...I am paying a tribute to Mr. Gopalsamy... (*Interruptions*)... So when we say that elected representatives of the people should not be trusted, what sort of respect do we have for democracy? Suppose we have to elect leader here and if there is some campaign and if one attributes that the other members are taking the wrong way, how can we tolerate that? What is happening to an elected member at the panchayat level has to be taken as if it happened to a Member of this House because they are also elected members and we are also elected members. So I say that the Chairperson should be elected from amongst the members of the panchayat or a municipality because then only there can be cohesion, then only there can be mutual understanding. If the chairperson is elected from a different electoral college then there cannot be a perfect co-operation and cohesion. This point should be understood and appreciated. Only because of this a provision has been made there. So, I want to say that all levels of panchayats should be

there in the Bill. Every provision is having its own reason for it. After careful consideration in this House and the other House, not for once twice or thrice, and after being discussed and studied by Joint Committee of the Parliament, this Bill came to this House for our consideration (*Interruptions*)... I want to reiterate it once again. Whatever may happen, it is only a small deviation from the situation already prevailing there. I want to say in this context that we should always live first as Indians and last as Indians. For the sake of integrity, for the sake of unity and for the sake of uniformity in the country, we should be ready to shed every drop of blood. Whatever may be the party, whether I am a Congressman, you are a Communist or he is a BJP man, it is immaterial. I am living for the country, for my motherland.

SHRI GURUDAS DAS GUPTA: I am very sorry, Sir, that we have been thrown out of gear like this and let us hope that we are restore ourselves. Sir, the point is that we agree that the Bill is a move in the right direction. We support the Bill, and we also think that it is going to bring about certain changes in the alignment of forces in the countryside. Therefore, we have no hesitation in lending our support. While giving our support to the Bill, Sir, let me put it on record that we totally disapprove the way in which the Bill is sought to be passed. Parliamentary democracy has its rules, the House has its procedures, and we have our own dignity. If the Government believes that in the name of doing justice to the people it can bulldoze the functioning of the House, I am sorry, Sir, the Government is mistaken. I support the Bill, Sir, because it seeks to extend democracy maybe it is a formal democracy, but it is an extension of democracy. I support the Bill, Sir, because it amounts to delegation of power. But it will depend on the extent to which the delegation of powers is done in the true sense of the term. I support the Bill, Sir, because it is decentralisation of powers. But let use see to what extent really the power is decentralised.

Sir, Panchayat Raj or Panchayati Raj was the connotation of a political slogan of the Congress Party. Unfortunately, the Congress Party had taken 45 years to introduce the Bill. It only indicates how it adheres to its promises. Better late than never. Therefore, we support the Bill. But, while giving our support, Sir, let me raise three issues without which the implementation of the law, after we react this, will have its serious limitations.

Sir, democratisation will depend on the extent to which the fund is decentralised. This question has been left to the States. If the States do not give the funds needed for doing the work these organisations have been asked to do under law, then this is going to be merely a formality. Therefore, the question of proper funding, financing different types of work is of great importance, and that has to be looked into. Sir, this elected three-tier local self-government is bound to be a victim of a rigorous bureaucratic control if we allow the normal State authorities, the district administration to interfere. The Bill does not take into account or it does not visualise a situation where the State administration, that is, the District Magistrate, the Sub-Divisional Officer and other organs of the State interfere. What is going to be the relationship? Sir, I come from a State, West Bengal, where this Panchayat Raj was put into effect by our Left Front Government many years back. Some 15 years back, we had put it into effect. We have our experience. We know its failures, we know its successes. This local self-government, however elected it may be, whatever power it may be given according to the canons of law, the success of its work depends on the ex-

[Shri Gurudas Das Gupta]

tent to which its work is allowed to go on unhindered, to the extent the District administration does not interfere, to the extent people's participation is allowed to take place. Therefore, to ensure that this system of local self-government does not become a victim of rigorous bureaucratic control, a line has to be drawn. Distribution of power has to be straightway stated and relationship has to be announced and has to be ensured.

Thirdly, this elected self-government, the three-stage local self-government, is bound to become a den of the rural rich — I repeat — if alignment of political forces in the countryside is not changed. If the rural poor do not have access to power, if the rural poor do not have the freedom to contest, if the rural poor do not have their freedom to exercise their right, in that case it is bound to become a haunting ground of the proprietary sections, the people who have money, the people who have land, the people who have wealth. Therefore, to ensure that it is really an organ of the poor, that it becomes an organ of the poor really to ensure freedom to the poor, the alignment of forces in the countryside has to be changed. The alignment of political forces in the countryside has not changed. Land distribution has not taken place. Even today more than 40 per cent of the rural poor do not have a square meal. Even today the Government has not been able to enact law to protect the rural poor, particularly the agricultural labour, in such a situation, this freedom is going to be a formal freedom. This freedom may be misused by the proprietary sections. This freedom may not mean anything new to the rural poor, to the common rural folk. Therefore this Bill needs to be supplemented by a series of measures if the Government means business, and those supplementary measures Government would have to undertake, and therein shall lie really the honesty of the Government. While replying to the debate, the Minister will have to come before the House and say how it is going to undertake the supplementary measures, how the poor are going to get the financial strength, and in what way the relationship between the Government and this organ of the State is going to be determined and in what way the alignment of forces in the country-side is going to be changed. Therefore, while supporting the Bill, I caution the Government. It shall become only a piece of paper. It shall become only a formalistic step if sufficient supplementary measures are not undertaken to change the balances of forces in the countryside.

SHRI MENTAY PADMANABHAM: The atention of the House has been distracted by many of our friends from Tamil Nadu—here, there and on the other side. Anyway, this Bill which was introduced during Shri Rajiv Gandhi's Prime Ministership was defeated in this House. I was a Member here at that time and we voted against this Bill at that time because the Bill consisted of some infirmities at that time and also we were afraid that this Bill was brought as an onslaught on the federal structure of the country because the history shows that the previous governments, either Mrs. Indira Gandhi's or Mr. Rajiv Gandhi's Government lost credibility as far as the federal structure of the Constitution is concerned. By dismissing number of State Governments and also number of actions taken by the Central Government, overriding the rights of the States.

Some of my friends have also mentioned that elections to the Panchayati Raj institutions are not conducted regularly. Particularly in the Congress (I) ruled States, elections to the Panchayati Raj institutions as well as municipalities were deferred, postponed indefinitely. In my State, Andhra Pradesh, for example, for a period of twelve years, there were no elections either to the Panchayati Raj

institutions or to municipalities. The hon. Minister, Mr. Venkat Swamy, knows about it. There is no denying the fact.

Sir, with all its defects, we are supporting this Bill for the simple reason that, at least, it would discipline the Congress (I) — ruled States so that they hold the Panchayati Raj elections in the near future, may be, in another six months or a year. I mentioned about Karnataka. As soon as the Congress Party came to power in Karnataka, even though the term of the Panchayati Raj institutions had expired and elections were due, the Karnataka Government did not choose to hold the elections. There was a High Court decision also on this.

The friends who have spoken before me have already suggested many things. I do not want to cover the ground already covered. But there are certain issues on which we have strong reservations. The first thing is in regard to the question of direct and indirect elections. When this Bill was introduced in the other House. It was referred to a Select Committee. I regard to the direct and indirect elections, the Select Committee had said, in the first instance, in its report, on page 6—I quote:

> "The Committee notes that the issue relating to direct or indirect elections to Panchayati Raj institutions is very vital."

The Committee had recognised this fact. It went on to say — I quote —

> "Directly-elected persons have the inherent strength of having been elected by the people. Moreover, indirect elections have led to various manipulative practices. The Committee, therefore, are of the opinion that in order to strength democracy at the grassroot level, all seats in Panchayats, at any level —

Kindly mark these words 'at any level'

> "...should be filled by direct elections."

This was the stand of the Select Committee, in the first instance. But later on the Committee changed its views. I do not know what happened. They then sugegsted that at the intermediate level, at the disrict level, it should be indirect elections, but at the Gram Panchayat level, it should be direct elections. Even this has been changed in this Bill which we are now discussing. It says that all elections, from the Gram Panchayat to the district level, would be indirect. The State Governments have been given powers to choose. Of course, it is there. But why should not this Bill contain a mandatory provision that all elections, from the Gram Panchayat to the district level, should be conducted in a direct manner, since the Select Committee had felt that direct elections were necessary and that it was desirable in the interest of strengthening the functioning of these institutions. Why should not this Bill make direct elections, at all levels, mandatory? Therefore, this is one infirmity.

Sir, many States have passed Panchayati Raj legislations. For example, in Karnataka, they had a very good Bill. In Andhra Pradesh also, we had a very good Panchayati Raj Bill. In West Bengal, their planning process — village-level and district - level planning process — has achieved great success. It has transformed the rural areas, to some extent. Therefore, while drafting this Bill, while bringing forward this Bill, they should have taken the experience of these States into consideration and they should have incorporated some of the salient features of the State Bills. I would say that there should have been some sort of horse-trading in the finalisation of this Bill.

Anyway, Sir, this is one issue where we have strong reservations.

[Shri Mentay Padmanabham]

There is one more issue. My friend Mr. Gopalsamy mentioned about the exhaustive list of functions of the Panchayat Raj institutions incorporated in Eleventh and Twelfth Schedules. Sir, the functions, as contained in these Schedules, are enormous, but I do not know wherefrom the finances will come and how they are going to implement these functions. Again in the Seventh Schedule of the Constitution there are functions distributed in three Lists: Union List, State List and Concurrent List. If we go through these functions, there is absolute duplication of the functions enumerated in the Eleventh Schedule and Twelfth Schedule. With regard to finances the hon. Minister may say that they are going to make it obligatory on the part of the State Government to constitute a Finance Commission so that these Panchayat Raj institutions will not starve of funds. I would like to know what is the financial condition of States today? We have been hearing from various State Governments that they are not able to maintain their own establishment, leave alone sparing any money for developmental activities. And when the State Finance Commission is set up, when it sits to divide finances between the State and Panchayat Raj instiutions, what will it divide, where are the finances? Is there any money? If there is no money, what will they do? There are a number of reports specifying the need for strengthening the local finances. There was the Local Finance Enquiry Committee appointed as long back as 1951. They recommended that one particular tax from the Union list, that is terminal tax on goods and passengers carried by railways, should be exclusively made available to the Panchayat Raj institutions. So far the Union Government has not cared to implement this recommendation. Then there is another Committee, John Mathai's Committee on Tax Reforms. This was constituted in 1953-54. They recommended that some of the items should be exclusively reserved for Panchayat Raj institutions. Items of taxation should be exclusively reserved for Panchayati Raj institutions. Even that is not being implemented by the Central Government.

Therefore, it is important that the financial powers should be distributed on an equitable basis among the Centre, States as well as Panchayat Raj institutions. Without examining the Centre-State financial relations in a proper perspective, without allowing more financial resources to the State Government, appointing a Finance Commission to devolve finances from the State to the Panchayat Raj institutions is meaningless, it is a big fraud on Panchayat Raj institutions is meanigless, it is a Even the Sarkaria Commission in its recommendations has stated that there is a need to review the Centre-State financial relations. Therefore, I would like to know whether the Govt. is prepared to review the Centre-State financial relations before they recommend constitution of the Finance Commission at the State level to devolve resources to the Panchayat Raj institutions. The hon. Minister may say that we are giving a lot of money towards various programmes such as, Rozgar Yojana, IRDP, NREP and other rural development programmes. Spending this kind of money through Panchayat Raj institutions is not the point. The point is, these Panchayat Raj institutions have to exist on their own right. Why are you bringing this Constitutional amendment now? What is the need for incorporating it as a Constitutional amendment? The main object is to give it a place of its own, a Constitutional position for the Panchayat Raj institutions. Like that, the financial resources also should be given as of right and not as subventions from the Central Government nor at the will and pleasure either of the Central Government or the State Government. So, that kind of a reform, that kind of a regular examination of the Centre-State and then State and Panchayat Raj institutions, financially, shall have to be taken up.

Bringing this sort of Bills without taking up this issue is meaningless.

Sir, there is one more point and that is with regard to reservations. I am happy that this Bill contains reservations for SCs, STs as well as women. This we have already implemented in Andhra Pradesh. We have given reservations to SCs and STs. We have given, for the first time, reservations to women and we have also, for the first time, given reservations to the backward classes. Why is not reservation for backward classes made mandatory in this Bill? This is again left to the discretion of the States. Why this discrimination? Is not this Government interested in the welfare of the backward classes? Is it not prepared to give a share in the political power to the backward classes? They should have made this provision also mandatory, and the State Government should decide which backward class should get how much percentage of reservations. This is another infirmity which I am objecting to.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Please try to conclude.

SHRI MENTAY PADMANABHAM: I have not taken much time, Sir.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): We have to go in for the voting also.

SHRI MENTAY PADMANABHAM: There is only one more point, Sir, and that is the right of recall. In the Karnataka Act, if I remember correctly, at least at the Gram Sabha level there is a right of recall. All the inhabitants of the Gram Sabha would elect their own leader, and whenever they are not satisfied with his work, they have a right to recall. I would have been very happy if this Bill contained this provision at least with regard to the Gram Sabha because, you know, Sir, how the Panchayat functionaries at the village level are behaving and how irresponsible they become after the election. Therefore, I suggest to the Minister, if he is agreeable, that he can include this concept of recall, at least at the Gram Sabha level.

Thank you, Sir.

श्री संतोष प्रधान : (महाराष्ट्र) : वाइस-चेयरमैन महोदय, सर्व प्रथम मैं ये जो दो बिल्स यहां आये हैं, 72वां और 73वां संविधान (एमेन्डमेंट) बिल्स, इन दोनों बिलों का स्वागत करता हूं। लेकिन स्वागत करते समय यह कहना चाहता हूं कि इसमें और प्रावधान जरूर होने चाहिए थे, ऐसा मुझे लगता है और मैं आपके माध्यम से माननीय मंत्री जी को यह बताना चाहता हूं कि इस प्रकार के प्रावधान करने के लिए यहां काफी सदस्यों ने बताया है कि ऐक्सपीरिएन्स ऐसा है कि जो भी चुनाव होना होता है या इलेक्शन होना होता है तो चुनाव टाइम पर कभी नहीं होता है। दस-दस, पन्द्रह-पन्द्रह और बीस-बीस साल तक चुनाव होते नहीं हैं। अब भी अगर टाइम पर चुनाव नहीं हुए तो उन चुनावों को करने के लिए कुछ बन्दोबस्त उसका होना चाहिए और इस कानून में बन्दोबस्त होना चाहिए। मुझे दूसरा एक और सजेशन देना है कि म्युनिस्पलिटीज में नगराध्यक्ष, प्रेसीडेंट, म्युनिस्पल कौंसिल और मेयर को जो अधिकार दिये जाते हैं उनमें इनको फाइनेंसियल, एडमिनिस्ट्रेटिव और एक्जीक्यूटिल कोई भी पावर नहीं रहती है। म्युनिस्पलिटीज का कारोबार चलाते समय फर्स्ट सिटिजन होने के बावजूद उन्हें काम करने के लिये कुछ भी पावर नहीं है। इस ढंग से उनको काम करना पड़ता है। मैंने थाने शहर का मेयर बनकर काम किया है, नगराध्यक्ष के नाते काम किया है। दोनों में मुझे ऐसा अनुभव हुआ है कि अगर एक भी किताब परचेज करनी है तो उनको इतना अधिकार भी नहीं होता। इसके बारे में ख्याल रखने की जरुरत है, ऐसा मुझे लगता है।

इलेक्शन जो किये जाते हैं, सरपंच का हो या पंचायत समिति का हो, सभापति का हो या जिला परिषद के प्रेसीडेंट का होइ या नगराध्यक्ष व महापौर का हो, नका इलेक्शन डाइरेक्ट मैथड से किया जाना

[श्री सतीश प्रधान]

चाहिये, ऐसा मुझे सजेशन करना है । इसका रीजन यह है कि जो डाइरेक्ट होते हैं वे पूरे गांव का ख्याल रख सकते हैं और इन-डाइरेक्ट वाले खाली अपने इलाके की तरफ देखते हैं, ऐसा अनुभव है, दिस इज प्रेक्टिकल एक्सपीरियन्स और इसलिए मेरा यह प्रस्ताव है । नगर पालिका या पंचायत समिति के लिए वाटर सप्लाई और सीवेज बोर्ड के नाम से कुछ अधिकारी लिए जाते हैं । पब्लिक हेल्थ डिपार्टमेंट की तरफ से नगर पालिका के पास अच्छे आफिसर नहीं होते जिनको काम करने के लिए बोला जाये, ऐसा अनुभव है । हमारे महाराष्ट्र में प्रत्यक्ष देखने को मिलता है कि वहां महाराष्ट्र वाटर सप्लाई सीवेज बोर्ड है और महाराष्ट्र वाटर सप्लाई और सीवेज बार्ड का खुद का एक भी पैसा उसमें इनवेस्ट नहीं है । यहां से लोन आया, म्यूनिस्पैलिटी के नाम से आता है वर्ल्ड बैंक से लोन आता है । गवर्नमेंट की सब्सिडी उसमें है लेकिन इसके बावजूद भी प्रोजक्ट तय हो गए हैं, जो प्रोजक्ट महाराष्ट्र वाटर एंड सीवेज बोर्ड के पास हैं तो जिस ढंग से वहां कारोबार चलता है इस ढंग से वहां पर कारोबार नहीं होना चाहिए, ऐसा कानून में कोई बंदोबस्त होने की जरूरत है, ऐसा मुझे लगता है । म्यूनिस्पैलिटी या पंचायत समिति के जो टाप एक्जिक्यूटिव आफिसर्स हैं, पंचायत समिति के सैक्रटरी हैं, ब्लाक डेवलपमेंट आफिसर हो गया, चीफ एक्जिक्यूटिव आफिसर हो गया, म्यूनिस्पैलिटी का कमिश्नर हो गया या चीफ आफिसर हो गया, इन सब लोगों के अप्वाइन्टमेंट के लिए उनका एक कैडर बनाना चाहिए, ऐसा होना चाहिए और इसका बंदोबस्त यहां से होना चाहिए । मुझे उम्मीद है कि मिनिस्टर साहब ऐसा करने की कोशिश करेंगे । अगर स्टेट उनके लिए एक्ट बनायेंगे, उनके लिए प्रोविजन करेंगे तो वह अच्छे ढंग से नहीं होगा । आपको यहां से इसका प्रोविजन करके इसका बन्दोबस्त करना होगा । तभी ठीक ढंग से काम हो सकता है । यह हमारा प्रैक्टिकल एक्सपियरेंस है कि स्टेट गवर्नमेंट इसके लिए अच्छे ढंग से काम नहीं करती । मुझे यह भी कहना है कि (समय की घंटी) मैं दो मिनट का समय और लूंगा ।

यहां यह जो शैड्यूल बताया है दोनों का, इसमें पंचायत समिति के शैड्यूल में जो 11 मेंबर वाटर सप्लाई के हैं उसके साथ साथ इंडस्ट्रियल सप्लाई भी उनके पास जानी चाहिए । म्यूनिस्पैलिटी में जैसा होता है उसको देखते हुए वह भी, इंडस्ट्रियल सप्लाई भी उनके पास में जानी चाहिए । नहीं तो वह सप्लाई फिर गवर्नमेंट या गवर्नमेंट की किसी दूसरी कोई एजेंसी जो होती है उसको डाइरेक्ट देती है और इससे उसका रेवेन्यू म्यूनिस्पैलिटी या पंचायत समिति को नहीं मिल पाता है । यह अनुभव है, इसके लिए सोचने की जरूरत है । बहुत से माननीय सदस्यों ने फाइनेंसेज के बारे में बताया । पंचायत समितियों को इतने सारे काम आपने बताए हैं लेकिन इन सारे कामों के लिए फाइनेंस का बन्दोबस्त कैसे होगा ? म्यूनिसिपैल्टी के बारे में तो मैं यह जरूर कहना चाहता हूं कि चाहे सेंट्रल गवर्नमेंट हो या स्टेट गवर्नमेंट हो टैक्सेज देने में टालमटोल करते हैं, कई बिल्डिंग्ज को एग्जेम्पट भी करा लेते हैं जिससे म्यूनिसिपैलिटीज को पूरी तरह से रेवेन्यू नहीं मिल पाता है । ऐसा नहीं होना चाहिए । इसका प्रोपर बन्दोबस्त स्टेट गवर्नमेंट को एक्ट में प्रोविजन कर के करना चाहिए । जो शब्दों का इधर-उधर करने की कोशिश होती है, ऐसा नहीं होना चाहिए । अंत में, मैं एक बात और कहना चाहता हूं । अभी पिछले सेशन में इस बात को कहा गया कि हमारी भारतीय औलम्पिक टीम को खेलों में कोई भी पदक नहीं मिला । इसके लिए सरकार पर आरोप लगाया गया । मैं आज उसको फिर याद दिलाना चाहता हूं कि आज जब हम यह एक्ट बना रहे हैं, मंजूर कर रहे हैं तो इस एक्ट में यह भी प्रावधान करना चाहिए कि म्यूनिसिपैलिटिज खेलों के प्रोमोशन करने का काम भी करे । खेलों के लिए म्यूनिसीपैल्टीज आम पंचायतों को फैसिलिटीज उपलब्ध करनी चाहिए । इसके लिए एक्ट में प्रोविजन आप नहीं कर रहे हैं । फिर आप अपनी औलम्पिक टीम के बारे में चिल्लाओगे । ऐसा नहीं होना चाहिए ! मैं मंत्री जी से यह विनती करता हूं कि म्यूनिसिपैलिटीज

द्वारा स्पोर्टस का फैसिलिटीज उपलब्ध करने के बारे में आप बन्दोबस्त करें । आपने मुझे बोलने का समय दिया, इसके लिए आपका धन्यवाद ।

श्री ईश दत्त यादव (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, 72वें और 73वाँ संविधान संशोधन विधेयक जो प्रस्तुत किया गया है, जिस पर काफी लम्बी चर्चा चली है, मैं उसका समर्थन करता हूं ।

मान्यवर, कैसे ग्राम पंचायतें स्वावलम्बी बने और ग्राम स्वराज्य की काल्पना केवल महात्मा गांधी ने की, कांग्रेस पार्टी तो इसका श्रेय लेना चाहती है केवल राजनीतिक कारणों से । इसमें इनकी राजनीतिक इच्छाशक्ति का अभाव लगता है । मान्यवर, 40–45 सालों में महात्मा गांधी जी ने जो कल्पना की थी ग्राम स्वराज्य की और कैसे ग्राम स्वाबलम्बी बनें, उस भावना को आज तक पूरा नहीं किया जा सका । ग्राम सभायें तो कायम हुई । हमारे उत्तर प्रदेश में 1949 में पंचायती राज एक्ट पास किया गया और 1949 से पंचायती राज एक्ट लागू है और उत्तर प्रदेश में 1949 से पंचायतें हैं, नगरपालिकाएं भी हैं लेकिन पंचायतें और नगरपालिकायें यह कोई संस्था नहीं रह गई हैं केवल एक ढांचा मात्र रह गई हैं । इन संस्थाओं के पास न तो प्रशासनिक अधिकार हैं और न वित्तीय अधिकार हैं । सही मायनों में पंचायतों और नगरपालिकाओं का जो उद्देश्य है, वह पूरा नहीं हो रहा है ।

(उपसभापति महोदया पीठासीन हुईं)

महोदया, कहा गया है और जब इसके पहले भी पंचायती राज विधेयक यहां प्रस्तुत किया गया था तो उस समय भी कहा गया था कि हम जनता के हाथों में अधिकार देना चाहते हैं । अधिकारों का हम विकेंद्रीकरण करना चाहते हैं लेकिन यह वास्तव में जनता को अधिकार नहीं दिया गया है । अधिकारों का कोई विकेंद्रीकरण नहीं किया गया है और मैं फिर दोहरा रहा हूं उत्तर प्रदेश के पंचायती राज्य एक्ट के बारे में कि उत्तर प्रदेश का पंचायती राज एक्ट जो है उसमें प्रोविजन है, उत्तर प्रदेश के नगरपालिका अधिनियम में यह प्रोविजन है कि जब एस० डी० ओ० चाहेगा गांव सभा के प्रतिनिधि को जो सभापति कहा जाता है उसको निलंबित कर देगा । जब चाहेगा उसको टर्मिनेट कर देगा । इसी तरह से नगरपालिका का चेयरमैन जो है उसकी गवर्नमेंट किसी समय टर्मिनट कर सकती है और गवर्नमेंट तो बहुत बड़ी संस्था होती है उत्तर प्रदेश की, टर्मिनेट कमिश्नर उसको कर देंगे । फिर स्थिति क्या होती है कि जो स्थानीय अधिकारी होता है, सब डिवीजनल अफसर होता है, कमिश्नर होता है उसके इशारे पर गांव के सभापति को प्रतिनिधि को और नगरपालिका के चेयरमैन को काम करना पड़ती हैं । इसलिए मैं पूरे देश के बारे में निवेदन करना चाहता हूं और विशेष करके उत्तर प्रदेश के बारे में कि इन कानूनों में संशोधन होना चाहिए ।

उत्तर प्रदेश में क्षेत्रीय समिति और जिला परिषद अधिनिमय है । इसमें एक दफा बनी हुई है कि राज्य सरकार (**समय की घंटी**) जब चाहें जिला परिषद के चेयरमैन को टर्मिनेट करके उसकी जगह पर दूसरा अध्यक्ष नामीनेट कर दे । दो महीने पहले यह हुआ . . (**व्यवधान**) मैं गौतम जी को बताना चाहता हूं कि हमारे जिले में, इस सदन में सम्मानित माननीय सदस्य राम नरेश जी बैठे हैं, माननीय सूदे साहब बैठ हुए हैं । हम लोग एक जिले के रहने वाले हैं । दो महीने पहले हमारे जिले की जिला परिषद का अध्यक्ष जो बी.जे.पी. का था उसको सरकार ने नामीनेट कर दिया । लेकिन अब ये लोग तो चले गए हैं, वे भी चले जायेंगे हम लोगों को उम्मीद है . . . (**व्यवधान**) ये लोग तो चले गए हैं हम लोगों को उम्मीद है कि ये भी चलें जाएंगे । तो मैं आपके माध्यम से सरकार से यह मांग कर रहा था कि इस तरह का संशोधन होना चाहिए और राज्यों के लिए इस तरह का निर्देश होना चाहिए कि इस तरह के कानून न बनाए जाएं कि राज्य सरकार की मर्जी पर हो । जब चाहे जिला परिषद के अध्यक्ष को नामीनेट कर दें और जब चाहें जिला परिषद के अध्यक्ष को टर्मिनेट कर दें । गांव सभा के प्रधान को जब चाहें नामीनेट कर दें

[श्री ईश दत्त यादव]

और जब चाहें टर्मिनेट कर दें। महोदया, मैं समाप्त कर रहा हूं क्योंकि वोटिंग का समय है।

उपसभापति : चैयरमैन साहब बैठे हैं। आप खत्म करें तो वोटिंग हो।

श्री ईश दत्त यादव : मैं दो मिनट और समय लूंगा ...(**व्यवधान**) बी.जे.पी. तो चली गयी है अब नाम नहीं लिया जाएगा ...(**व्यवधान**)

मैं चाहता हूं और पूरे सदन की यह भावना है कि गांव पंचायतों को और नगरपालिकाओं को ज्यादा से ज्यादा अधिकार दिए जायें। इनको आर्थिक सहायता की जाए। नगरपालिकाओं के पास कुछ होता नहीं। नगरपालिकाएं डिफेक्ट हैं। टूटी हुई नालियां नहीं बनती, बल्ब नहीं लगते, सड़कें नहीं बन पाती हैं। इसलिए मैं चाहता हूं कि जिस नगरपालिका क्षेत्र के अंदर जो आय होती है जो प्रदेश सरकार के पास जाती हैं या केंद्र सरकार के पास भी जाती हो उसका कुछ न कुछ अंश उस नगरपालिका के लिए पहले से निर्धारित हो जाना चाहिए कि इस नगरपालिका के लिए इस टैक्स का इतना अंश जो है उसके लिए रिजर्व कर दिया जाएगा। उसी तरह से गांव सभाओं के बारे में भी मेरा निवेदन है कि गांव सभा से जो राज्य सरकार को आय होती है उस आय का कोई न कोई प्रतिशत गांव सभाओं के विकास के लिए रिजर्व कर देना चाहिए। चुनाव की जो प्रक्रिया है इसमें गांव सभाओं का जो राज्य सरकारों के विवेक पर छोड़ दिया गया है मैं इस बात से सहमत नहीं हूं। गांव पंचायतों का चुनाव डाइरेक्ट होना चाहिए। उनका निर्वाचन क्षेत्र छोटा होता है। कोई बड़ा निर्वाचन क्षेत्र होता नहीं है।

अगर गांव सभा के लिए डाइरेक्ट या इनडाइरेक्ट चुनाव की प्रणाली रहेगी तो यह गांव सभाएं सही माने में काम नहीं कर सकेंगी और यह गांव सभायें और सभापति कमजोर रहेगा।

जवाहर रोजगार योजना के लिए जो पैसा दिया गया — मैं अंतिम चीज कहूंगा आपको घंटी बजाने की जरूरत नहीं पड़ेगी। जवाहर रोजगार योजना में जो पैसा दिया गया, सब का सब पैसा सभापति का हो गया, जाल बट्टे हुआ, पैसों का गबन हो गया।

मैं नहीं कह सकता कि शत-प्रतिशत गांव सभाओं में इस तरह से हुआ, लेकिन 75–80 प्रतिशत गांव सभाओं में जवाहर रोजगार योजना में जो धन गया वहां से, उस धन का कोई सदुपयोग नहीं हुआ। उस धन का या तो दुरुपयोग हुआ या गांव सभा के सभापति ने उसका गबन कर दिया।

इसलिए मैं चाहता हूं कि जवाहर रोजगार योजना का जो पैसा जाता है इस पैसा का समुचित ढंग से उपयोग किया जाए। इस योजना के पीछे मंशा थी कि गांव के बेकार लोगों को गरीब लोगों को, निस्साहय लोगों को रोजी मिलेगी, रोटी मिलेगी, काम मिलेगा।

मैं धन्यवाद देना चाहूंगा, श्रीमती सुषमा स्वराज जी को कि उन्होंने आंकड़ा प्रस्तुत कर दिया आपके योजना आयोग की ही शायद रिपोर्ट थी, जिसमें इन्होंने दिखला दिया, और आप स्वयं भी और सरकार भी सहमत है कि साल में पौने बाहर दिन या सोलह दिन रोजी देने का काम जवाहर रोजगार योजना के माध्यम से हुआ है। जो मुख्य उद्देश्य था जवाहर रोजगार योजना का, वह असफल हो गया।

इसलिए मैं आपके माध्यम से सरकार से मांग करता हूं कि सरकार इस पर कड़ाई करे। जो आप धन देते हैं उसका सदुपयोग होना चाहिए और ज्यादा से ज्यादा लोगों को काम मिले।

इन्हीं शब्दों के साथ मैं आपको बहुत धन्यवाद दे रहा हूं कि आपने समय दिया लेकिन थोड़ा समय दिया।

THE DEPUTY CHAIRMAN: Now, shall I ask the Minister to reply?

श्री जी० वेंकटस्वामी : मैडम जी, काफी मैम्बर्स ने इस बिल को पास करने के सिलसिले में उत्साह बताया, सिवाय गोपालसामी जी के दो अमेंडमेंट के। हर मैम्बर यह जानता है कि 45 साल इंडिपेंडेंस के बाद पहली मर्तबा इस पंचायती राज बिल को इस देश में लाया जा रहा है और यह किस तरह से अमल

में आएगा और किस तरह से इसको लागू किया जाएगा, इस बात पर काफी मैम्बर्ज ने अपने-अपने-खास तौर से श्रीमती सुषमा स्वराज जी ने बहुत ही अच्छे रूप में उन्होंने कांग्रेस गवर्नमेंट को कंडेम भी किया और साथ ही साथ हमारे बिल को वैलकम भी किया और उन्होंने देर से सही मगर लाई है गवर्नमेन्ट, उसको उन्होंने वैलकम किया । उससे यह पता चलता है कि उनके दिल के अन्दर कितना दर्द और कितना विश्वास गरीब लोगों के हाथ में आने वाले अख्तियारत की उन्होंने प्रशंसा की है ।

मैं उनको यकीन दिलाना चाहता हूं कि राजीव गांधी ने इसको सारे देश में घूम करके इस चीज को देखा कि पंचायती राज होना जरूरी है और जब तक कि पंचायती राज इस देश में नहीं आएगा, गांधी जी का वह सपना अधूरा रहेगा और उस गांधीजी के सपने को पूरा करने के लिए पंचायती राज का लाना बहुत जरूरी हो गया, लेकिन बदकिस्मती से लोक सभा में पास होने के बाद हमारे बुजुर्गों ने यहां उसको रोक दिया था । मगर अब खुशी की बात है कि जितने मैम्बरान ने यहां बात की हैं, वह सारे के सारे दिल से, प्रेम से इस बिल को अपनी छाती से लगा रहे हैं और यह देख कर मुझे बड़ी खुशी है कि हरेक यह बिल चाहता है और साथ ही साथ कुछ शंकायें भी दी हैं । जिस तरह से श्रीमती कमला सिन्हा ने भी अपने भाषण में कुछ बताई हैं । पर उन्होंने भी इस बिल का वैलकम किया है । मैं उनको भी धन्यवाद अदा करना चाहता हूं ।

उसी तरह से मौलू हनुमंत राव साहब, सी.पी.एम. के उन्होंने भी कुछ सजेशंस दिए हैं । उनको भी मालूम है कि किस तरह से ग्राम पंचायत नहीं होने से ग्राम का विकास नहीं हो रहा है । उन्होंने साफ तौर से बताया है कि पंचायती राज अपने से ही ग्राम मुखिया या ग्राम सरपंच और ब्लाक प्रेसीडेंट, जिला परिषद के प्रेसीडेंट ये तीनों मिल कर अपने ग्राम के विकास के लिए कुछ काम कर सकें और ग्राम की जो सही मायनों में, वही नहीं बल्कि आप लोगों ने इस बात को देखा है कि हरेक इंतजार कर रहा था कि हमारा भी कभी चांस आएगा, अगर आने वाली जेनरेशन में हरेक नौजवान ग्राम से लेकर ब्लाक, ब्लाक से लेकर जिला परिषद और जिला परिषद से असेंबली, हरेक पोलिटिकल पार्टी के अंदर ये आशायें हैं, तो यह बिल आने से पंचायती राज बिल आने से हरेक पार्टी के नौजवान आगे पौलिटीकली आगे आने का बहुत सारा महत्व है । मैं गोपालसामी के अमेंडमेंट की तरफ आना चाहता हूं । वह अमेंडमेंट है उनके पास पंचायती राज है, ग्राम पंचायत है और ब्लाक पंचायत है, मगर जिला परिषद जो है वहां पर इलेक्टेड नहीं है और यह चाहते हैं कि जिला परिषद इलेक्टड न हों । सारे देश के लोग चाहते हैं कि यह थ्री टायर सिस्टम होना चाहिए । जे.पी. सी. का रेकमैंडेशन है कि 3 टायर सिस्टम होना ही चाहिए और सारे देश के लोग इसको एप्रीशिएट किए हैं मोर दैन 70 परसेंट अभी इसी वक्त जितने भी जगह, जहां कहीं भी पंचायती राज है वहां 3 टायर सिस्टम है । अब गोपालसामी साहब बोलते हैं कि यह स्टेटस में छोड दो ताकि फिर वहां जिला परिषदों में अफसरों का राज हो, यह मुनासिब नहीं है । मैं इसको मानने के लिए तैयार नहीं हूं । मैं यह चाहता हूं कि गोपालसामी अगर इस सारे देश के लोगों की आवाज को और सिर्फ डी.एम. के. की आवाज को सारे देश में लागू करने की बात को, इसको मैं नहीं मानता और मैं उस अमेंडमेंट को कबूल करने के लिए तैयार नहीं हूं और मैं ख्वाहिश करता हूं कि गोपालसामी से कि सारे देश के साथ आप जुड कर रहो । क्यों तमिलनाड़ को अलग करना चाहते हो और तमिलनाडु के कानून को सारे देश में लागू करना चाहते हो । यह ठीक नहीं है ।

SHRI V. GOPALSAMY: Mr. Minister, if I join the Congress, then alone you would consider that I am joining the mainstream. Is this your view?

श्री जे. वेंकट स्वामी : हरेक पार्टी यह जानती है कि मैडम, जो है सभी पार्टियों का यह व्यू है ईवन जे.पी. भी. का व्यू है कि 3 टायर सिस्टम होना चाहिए और 3 टायर सिस्टम ही देश के लिए भला कर सकता है, फायदा कर सकता है। मैं इस मामले में ज्यादा न जाते हुए एक ही बात बताना चाहता हूं पंचायती राज बिल को लागू करने के बाद सब से बड़ा डर यही है इसलिए हमने किस तरह से चलेगा विदाउट फाइनांसेज़ और इसलिए बिल के अंदर हमने फाइनांन्शमल कमीशन भी डाला है और किस तरह से बिलेजज को फाईनांस का, उनको किस तरह से रिसोर्सेज़ पैदा करना चाहिए इसका भी हमने उसमें लाया है और यह बात मैं आपको बताऊंगा कि हरेक स्टेट का पीछा करना पड़ेगा और इस पंचायती राज बिल को मजबूत करना है फाइनांशेल रिसोर्सेज को स्टेट के ऊपर जोर देना होगा कि तुम आज तक जो भी काम किए हैं, ठीक है, मगर पंचायती राज बिल आने के बाद आपको काम ऊपर से नहीं, ग्राम रुटस से शुरू करना पड़ेगा और ग्राम रूटस को जितनी फाइशेन्शियल मदद हो सकती है करने के लिए आज हम नहीं बल्कि ग्राम-ग्राम के अंदर एक जागृति आई है और वह लोग डिमांड करेंगे, अब तुम्हारे बजट के अन्दर पंचायत के लिए भी आपको रखना पड़ेगा और फाइनांशेल रिसोर्सेज़ पैदा करना पड़ेगा। तो मैं एक ही चीज़ बहुत ही मजबूती के साथ जितने भी आनरेबल मेंबर्ज़ हैं उसके ऊपर से ज्यादा ध्यान दिया है। मैं ज्यादा न कहते हुए एक ही बात कहूंगा कि देश के अंदर, बिलेजेज के अंदर जो अंधकार था, वहां रोशनी लाने के लिए यह पंचायती राज बिल लाया गया है और उस रोशनी के लिए आप सब लोगों की मदद की जरूरत है। मैडम, पहले लोकसभा में पास होने के बाद राज्य सभा आते ही वह रुक गया था, लेकिन मुझे इस बात की खुशी है कि आज सब पार्टियां मिलकर इस बिल को पास करना चाहती हैं। तो मैं उन सब का धन्यवाद अदा करता हूं और खास तौर से श्री गोपालसामी जी से चाहूंगा कि उनके जो अमेंडमेंटस हैं, वह विदड्रा कर लेंगे, ऐसी मेरी ख्वाहिश है। धन्यवाद।

उपसभापति : शीला जी, आप भी बोल दीजिए।

SHRIMATI SHEILA KAUL: Madam, hon. Members have shown very keen interest in the two Bills that have been brought before the House. This Bill of Nagar Palika and the other Bill that was mentioned earlier were sent to a Joint Committee, as desired by the Members of Parliament. They had given certain recommendations and those recommendations were included in the making of this final picture. Some of our friends have said that they are not in favour and have brought in some amendments. I think our hon. Member would like to withdraw his amendments. Here, I would like to mention the names of Members who have taken part in the debate. Shrimati Sushma Swaraj made a wonderful contribution to the whole thing. Shrimati Kamla Sinha, Shri Malaviya, Shri Hanumantha Rao, Shri Ramachandrn, Shri Padmanabham, Shri Gurudas Das Gupta and some other Members have also made their contribution. But Shri Gopalsamy said he was opposing it. I don't think he wanted it to oppose it from within but he had to do it. I think, he did it because of some other reasons which.. (*Interruptions*)..

SHRI V. GOPALSAMY: Because of political reasons. What could be the other reasons?

SHRIMATI SHEILA KAUL: One issue on which there is a clear-cut consensus is that there should be regular elections to municipalities Normally the term should be five years. In case of dissolution of Municipalities, election should take place within six months. There are so many things which are mentioned in the other Bill. All the Members have supported the provisions in regard to

reservation in favour of Scheduled Castes, Scheduled Tribes and women, as provided in the Bill.

Time and again several Members in this House have highlighted the poor financial position of Municipalities. We are confident that the situation would improve considerably once State Finance Commissions are constituted in every State, as provided in the Bill... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Order in the House, please.

SHRIMATI SHEILA KAUL: Further, the incorporation of Clause 3 in the Bill would ensure that the Central Finance Commission would examine the reports of the State Finance Commissions and make recommendations in regard to augmentation of the Consolidated Fund of the States to supplement the resources of the Municipalities.

I am happy that Members of this House during the discussion have fully supported the various provisions of the Bill. Some Members of this House have opposed the inclusion of the Twelfth Schedule, as I have mentioned just now. This is on the ground that it takes away the discretion of the State, and that it is against the Federal concept.

There is no question of any conflict between List 2 of the Seventh Schedule and the proposed 12th Schedule. Let me further emphasize that the 12th Schedule is only an illustrative list of functions that may be performed by the municipalities. The discretion of what should be devolved or not lies totally with the State Legislature.

[MR. CHAIRMAN *IN THE CHAIR*]

Sir, this is a historic occasion when we are trying to make major structural changes in order to restore the rightful place of municipalities as democratic units in our system at the grass root level. Let us carry this process forward with dedication. Thank you.

MR. CHAIRMAN: I shall first put the motion regarding consideration of the Constitution (Seventy-Second Amendment) Bill, 1991, to vote. Under article 368 of the Constitution the motion will have to be adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The question is:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

The House divided.

MR. CHAIRMAN:

Ayes ... 152

Noes ... 6

"Ayes" 152

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi
Baby, Shri M. A
Bakht, Shri Sikander
Balanandan, Shri E.
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bhandare, Shri Murlidhar Chandra Kant
Bhandari, Shr Ram Deo
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai

Labhshanker
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhubnesh
Chaturvedi, Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh
Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreswar
Goswami, Shri Ramnarayan
Gujral, Shri Inder Kumar
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri
Iqbal, Singh, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jagmohan, Shri
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K.
Judev, Shri Dilip Singh
Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohinder Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shri Muhammad Masood
Khaparde, Miss Saroj
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.
Lenka, Shri Kanhu Charan
Madni, Maulana Asad
Mahajan, Shri Pramod
Maheshwar Singh, Shri
Maheshwari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malaviya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Mataiy Singh, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Menon, Prof. M.G.K.
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri
Mohammed Afzal alias Meem Afzal, Shri
Mohanty, Shri Sarada
Mukherjee, Shri Samar
Nallasivan, Shri A.
Narayanasamy, Shri V.
Pachouri, Shri Suresh
Panda, Shrimati Ila
Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Giridhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri
Rafique Alam, Shri

Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri
Ramachandran, Shri S.K.T.
Ramji Lal, Shri
Rao, Shri Moturu Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Rajeshwar
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal
Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar Sambhajirao
Shiv Shanker, Shri P.
Singh, Shri K. N.
Sigh, Dr. Naunihal
Singh, Shri Shiv Charan
Singh, Shri Vishvjit P.
Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Som Pal, Shri
Sreedharan, Shri Arangil
Surjewala, Shri S. S.
Sushma Swaraj, Shrimati
Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadava, Shri Bal Ram Singh
Yonggam, Shri Nyodek

'Noes'—6

Ganesan, Shri Misa R.
Gopalsamy, Shri V.
Kiruttinan, Shri Pasumpon Tha.
Raju, Shri J. S.
Veerappan, Shri K. K.
Venkatraman, Shri Tindivanam G.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill. Clause 2: Insertion of new Part IX.

SHRI V. GOPALSAMY: I move:

(1) "That at page 2, line 20, the words 'and district levels' be *deleted.*"

(2) "That at page 2, lines 44 and 46, *after* the words 'district level' the words 'wherever such level exists at the time of commencement of the Constitution (Seventy-second Amendment) Act, 1991' be *inserted.*"

(3) "That at page 3, line 11, *after* the words 'district level' the words 'wherever such level exists at the time of commencement of the Constitution (Seventy-second Amendment) Act, 1991, be *inserted.*

(4) "That at page 3, *for* lines 16 to 21 following be *substituted* name

[Shri V. Gopalsamy]

(5) The Chairperson of a Panchayat at the village or intermediate level shall be elected in such manner as the Legislature of a State may by law provide.'"

(5) "That at page 5, lines 16-17, the words 'including those in relation to the matters listed in the Eleventh Schedule' be *deleted*."

The questions were put and the motions were negatived.

MR. CHAIRMAN: Now the question is:

"That clause 2 stand part of the Bill."

The House divided.

MR. CHAIRMAN: AYES .. 152

Noes .. 6

AYES—152

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi
Baby, Shri M. A.
Bakht, Shri Sikander
Balanandan, Shri E.
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bhandare, Shri Murlidhar Chandrakant
Bhandari, Shri Ram Deo
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaturvedi, Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh
Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreswar
Goswami, Shri Ramnarayan
Gujral, Shri, Inder Kumar
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri
Iqbal, Singh, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jagmohan, Shri
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K.
Judev, Shri Dilip Singh
Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohinder Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shri Muhammad Masood

Khaparde, Miss Saroj
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.
Lenka, Shri Kanhu Charan
Madni, Maulana Asad
Mahajan, Shri Pramod
Maheshwar Singh, Shri
Maheshwari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malaviya, Shri Radhakishn
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Matang Sing, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Meena, Prof. M.G.K.
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri
Mohammed Afzal alias Meem Afzal, Shri
Mohanty, Shri Sarada
Mukherjee, Shri Samar
Nallasivan, Shri A.
Narayanasamy, Shri V.
Pachouri, Shri Suresh
Panda, Shrimati Ila
Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Giridhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R.K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri
Ramachandran, Shri S.K.T.
Ramji Lal, Shri
Rao, Shri Moturu Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Rajeshwar
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal
Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar Sambhajirao
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Dr. Naunihal
Singh, Shri Shiv Charan
Singh, Shri Vishvjit P.
Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Som Pal, Shri
Sreedharan, Shri Arangil
Surjewala, Shri S.S.
Sushma Swaraj, Shrimati
Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai
Verma, Shrimati Veena
Yadav, Shri Ish Dutt

Yadav, Shri Ram Naresh
Yadava, Shri Bal Ram Singh
Yonggam, Shri Nyodek

NOES—6

Ganesan, Shri Misa R.
Gopalsamy, Shri V.
Kiruttinan, Shri Pasumpon Tha.
Raju, Shri J.S.
Veerappan, Shri K.K.
Venkatraman, Shri Tindivamam G.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 was added to the Bill.

CLAUSE 3 — AMENDMENT OF ARTICEL 280

MR CHAIRMAN: The question is:

"That Clause 3 stand part of the Bill."

The House divided.

MR. CHAIRMAN AYes — 152
Noes — 6

AYES—152

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi

Baby, Shri M. A.
Bakht, Shri Sikander
Balanandan, Shri E..
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bhandare, Shri Murlidhar Chandrakant.
Bhandari, Shri Ram Deo
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Birla, Shri Krishna Kumar

Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaturvedi, Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh

Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gutpa, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana

Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal

Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreswar
Goswami, Shri Ramnarayan
Gujral, Shri Inder Kumar

Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri

Iqbal, Singh, Shri

Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jagmohan, Shri
Jain, Dr. Jinendra Kumar
Jaiswal Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K .
Judev, Shri Dilip Singh

Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohinder Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shri Muhammad Masood
Khaparde, Miss Saroj
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.

Lenka, Shri Kanhu Charan

Madni, Maulana Asad
Mahajan, Shri Pramod
Maheshwar Singh, Shri
Maheshwari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malaviya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Matang Sing, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Menon, Prof. M. G. K.
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri
Mohammed Afzal Alias Meem Afzal Shri
Mohanty, Shri Sarada
Mukherjee, Shri Samar

Nallasivan, Shri A.
Narayanasamy, Shri V.

Pachouri, Shri Suresh
Panda, Shrimati Ila
Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Giridhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri

Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri
Ramachandran, Shri S. K. T.
Ramji Lal, Shri
Rao, Shri Moturu Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Raejshwar
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal

Sahay, hri Dayanand
Sahu, Shri Rajini Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahim, Shrimati
Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar Sambhajrao
Shiv Shanker Shri P.
Singh, Shri K. N.
Singh, Dr. Naunihal
Singh, Shri Shiv Charan
Singh, Shri Vishvjit P.
Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla

Sinha, Shri Yashwant
Sivaji, Dr, Yelamanchili
Solanki, Shri Madhavsinh
Som Pal, Shri
Sreedharan, Shri Arangil
Surjewala, Shri S. S.
Sushma Swaraj, Shrimati
Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadava, Shri Bal Ram Singh
Yonggam, Shri Nyodek

Noes — 6

— **Ganesan, Shri Misa R.**
— **Gopalsamy, Shri V.**
— **Kiruttinan, Shri Pasumpon Tha.**
— **Raju, Shri J. S.**
— Veerappan, Shri K. K.
—. **Venkatraman, Shri Tindivanam G.**

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 3 was added to the Bill.

Clause 4—addition of eleventh schedule.

MR. CHAIRMAN: There is one amendment by Shri Pasumpon Tha. Kiruttinan.

SHRI PASUMPON THA. KIRUTTINAN. Sir, I move:

"That pages 8 and 9 Clause 4 be deleted."

The question was put and the motion was negatived.

MR. CHAIRMAN: The question is:

"That Clause 4 stand part of the Bill."

The Houses divided.

MR. CHAIRMAN: Ayes ... 152.
Nots ... 6

AYES—152

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi
Baby, Shri M. A.
Bakht, Shri Sikander
Balanandan, Shri E.
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bhandare, Shri Murlidhar Chandrakant
Bhandari, Shri Ram Deo
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaturvedi, Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh
Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana

Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal

Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya.
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreswar
Goswami, Shri Ramnarayan
Gujral, Shri Inder Kumar

Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Hiphel, Shri

Iqbal Singh, Shri

Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jagmohan, Shri
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K.
Judev, Shri Dilip Singh

Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohinder Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shri Muhammad Masood
Khaparde, Miss Saroj
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.

Lenka, Shri Kanhu Charan

Madni, Maulana Asad
Mahajan, Shri Pramod
Maheswar Singh, Shri
Maheshwari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malaviya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Matang Sing, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Menon, Prof. M.G.K.
Mishra, Shri Chaturanan
Mishra, Shri Siv Pratap
Mohammad Yunus, Shri
Mohammed Afzal alias Meem Afzal Shri
Mohanty, Shri Sarada
Mukherjee, Shri Samar

Nallasivan, Shri A.
Narayanasamy, Shri V.

Pachouri, Shri Suresh
Panda, Shrimati Ila
Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Giridhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri

Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri
Ramachandran, Shri S.K.T.
Ramji Lal, Shri
Rao, Shri Moturu Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Rajeshwar
Ratan Kumari, Shrimati

Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal
Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar Sambhajirao
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Dr. Naunihal
Singh, Shri Shiv Charan
Singh, Shri Vishvjit P.
Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Som Pal, Shri
Sreedharan, Shri Arangil
Surjewala, Shri S. S.
Sushma Swaraj, Shrimati
Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadava, Shri Bal Ram Singh
Yanggam, Shri Nyodek

Noes—6

— Ganesan, Shri Misa R.
— Gopalsamy, Shri V.
— Kuruttinan, Shri Pasumpon Tha.
— Raju, Shri J. S.
— Veerappan, Shri K. K.
— Venkatraman, Shri Tindivanam G.

The motion was carried by a majority of tne total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 4 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The Houses divided.

MR. CHAIRMAN: Ayes ... 152
Noes ... 6

AYES—162

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi
Baby, Shri M. A.
Bakht, Shri Sikander
Balanandan, Shri E.
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bhandare, Shri Mudlidhar Chandrakant
Bhandari, Shri Ram Deo
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh

Chaturvedi, Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh
Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Fagmni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreswar
Goswami, Shri Ramnarayan
Gujral, Shri Inder Kumar
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri
Iqbal Singh, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jagmohan, Shri
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K.
Judev, Shri Dilip Singh
Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohinder Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shri Muhammad Masood
Ram Ratan Ram, Shri
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.
Lenka, Shri Kanhu Charan
Madni, Maulana Asad
Mahajan, Shri Pramod
Maheshwar Singh, Shri
Maheshwari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malaviya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Matang Sing, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Menon, Prof. M.G.K.
Mishra, Shri Chaturanan
Mishra, Shri Siv Pratap
Mohammad Yunus, Shri
Mohammed Afzal alias Meem Afzal.
Mohanty, Shri Sarada
Mukherjee, Shri Samar
Nallasivan, Shri A.
Narayanasamy, Shri V.
Pachouri, Shri Suresh
Panda, Shrimati Ila
Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Giridhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri

Ramachandran, Shri S.K.T.
Ramji Lal, Shri
Rao, Shri Moturu Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Rajeshwar
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal

Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar
Sambhajirao
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Dr. Naunihal
Singh, Shri Shiv Charan
Singh, Shri Vihsvjit P.
Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Som Pal, Shri
Sreedharan, Shri Arangil
Surjewala, Shri S. S.

Sushma Swaraj, Shrimati
Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai
Verma, Shrimati Veena

Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadava, Shri Bal Ram Singh
Yonggam, Shri Nyodek

Noes—6

— Ganesan, Shri Misa R.
— Gopalsamy, Shri V.
— Kiruttinan, Shri Pasumpon Tha.
— Raju, Shri J. S.
— Veerappan, Shri K. K.
— Venkatraman, Shri Tindivanam G.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 1, the enacting Formula and the Title were added to the Bill.

SHRI G. VENKAT SWAMY: Mr. Chairman, Sir, I beg to move.

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The Houses divided.

MR. CHAIRMAN:

Noes — 6

Ayes — 152

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad, Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi

Baby, Shri M. A.

Bakht, Shri Sikander
Balanandan, Shri E.
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bhandare, Shri Murlidhar Chandrakant
Bhandari, Shri Ram Deo
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labshanker
Birla, Shri Krishna Kumar
Chaupuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaturvedi, Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh
Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Drinamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreshwar
Goswami, Shri Ramnarayan
Gujral, Shri Inder Kumar
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla Dr. (Shrimati) Najma
Hiphei, Shri
Iqbal, Singh, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jagmohan, Shri
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K.
Judev, Shri Dilip Singh
Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohinder Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shri Muhammad Masood
Khaparde, Miss Saroj
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.
Lenka, Shri Kanhu Charan
Madni, Maulana Asad
Mahajan, Shri Pramod
Maheshwar Singh, Shri
Maheswari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malaviya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Matang Sing, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Menon, Prof. M. G. K.
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri
Mohammed Afzal Alias Meem Afzal, Shri
Mohanty, Shri Sarada
Mukherjee, Shri Samar
Nallsaivan, Shri A.
Narayanasamy, Shri
Pachouri, Shri Suresh
Panda, Shrimati Ila

Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Giridhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri

Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri
Ramachandran, Shri S. K. T.
Ramji Lal, Shri
Rao, Shri Motura Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Rajeshwar
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal

Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti

Satchidananda, Shri
Satya Bahin, Shrimati

Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar Sambhajirao
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Dr. Naunihal
Singh, Shri Shiv Charan
Singh, Shri Vishvjit P.
Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla
Sinha, Shri Yashwant
Sivaji, Dr. Yelmanchili
Solanki, Shri Madhavsinh
Som Pal, Shri
Sreedharan, Shri Arangil
Surjewala, Shri S. S.
Sushma Swaraj, Shrimati
Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai

Verma, Shrimati Veena

Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadava, Shri Bal Ram Singh
Yonggam, Shri Nyodek

Noes — 6

Ganesan, Shri Misa R.
Gopalsamy, Shri V.
Kiruttinan, Shri Pasumpon Tha.
Raju, Shri J. S.
Veerappan, Shri K. K.
Venkatraman, Shri Tindivanam G.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. CHAIRMAN: The Bill is passed by the required majority.

I shall now put the motion regarding the consideration of the Constitution (Seventy-third Amendment) Bill, 1991, to vote.

The quesion is:

"That the Bill further to amend the Constitution of India, as pased by the Lok Sabha, be taken into consideration."

The House divided.

MR. CHAIRMAN:

Ayes .. 152
Noes 6

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad. Dr. Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi
Baby, Shri M. A.
Bakht, Shri Sikander
Balanandan, Shri E.
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bhandare, Shri Murlidhar Chandrakant
Bhandari, Shri Ram Deo
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labshanker
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaturvedi, Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh
Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernande, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreswar
Goswami, Shri Ramnarayan
Gujral, Shri Inder Kumar
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri
Iqbal Singh, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jagmohan, Shri
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K.
Judev, Shri Dilip Singh
Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohinder Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shri Muhammad Masood
Khaparde, Miss Saroj
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.
Lenka, Shri Kanhu Charan
Madni, Maulana Asad
Mahajan, Shri Pramod
Maheshwar Singh, Shri
Maheshwari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malaviya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Matang, Singh, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Menon, Prof. M. G. K.
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri

Mohammed Afzal Allias Meem Afzal, Shri
Mohanty, Shri Sarada
Mukherjee, Shri Samar

Nallasivan, Shri A.
Narayanasamy, Shri V.

Pachouri, Shri Suresh
Panda, Shrimati Illa
Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Giridhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri

Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri
Ramachandran, Shri S. K. T.
Ramji Lal, Shri (Haryana)
Rao, Shri Moturu Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Rajeshwar
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal

Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin
Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar Sambhajirao
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Dr. Naunihal
Singh, Shri Shiv charan
Singh, Shri Vishvjit P.
Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Som Pal, Shri
Sreedharan, Shri Arangil
Surjewala, Shri S. S.
Sushma Swaraj, Shrimati

Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai

Verma, Shrimati Veena

Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadav, Shri Bal Ram Singh
Yonggam, Shri Nyodek

Noes — 6

— Ganesan, Shri Misa R.
— Gopalsamy, Shri V.
— Kiruttinan, Shri Pasumpon Tha.
— Raju, Shri J. S.
— Veerappan, Shri K. K.
— Venkatraman, Shri Tindivanam G.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. CHAIRMAN: We shall now take up clasue by cluase consideration of the Bill.

Now Clause 2. There is one amendment by Shri V. Gopalsamy.

Clause — 2: Insertion of new Part-IXA.

SHRI V. GOPALSAMY: Sir, I beg to move:

"That at page 5, lines 22-23, the words "including those in relation to the matters listed in the Twelfth Schedule" be deleted.

The question was propsed.

SHRIMATI SHEILA KAUL: Sir, I oppose the amendment.

MR. CHAIRMAN: Now the question is:

'(That at page 5, lines 22-23, the words "including those in relation to the maters listed in the Twelfth Schedule" be deleted."

The motion was negatived.

MR. CHAIRMAN: Now the question is:

"That Clause 2 stad part of the Bill."

The House divided.

AYES-152

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi
Baby, Shri M. A.
Bakht, Shri Sikander
Balanandan, Shri E.
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bhandare, Shri Murlidhar Chandrakant
Bhandari, Shri Ram Deo
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaturvedi, Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh
Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreswar
Goswami, Shri Ramanarayan
Gujral, Shri Inder Kumar
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri
Iqbal, Singh, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao

Jagmohan, Shri
Jain, Dr. Jitendra Kumar
Jaiswal, Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K.
Judev, Shri Dilip Singh
Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohindar Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shri Muhammad Masood
Khaparde, Miss Saroj
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.
Lenka, Shri Kanhu Charan
Madni, Maulana Asad
Mahajan, Shri Pramod
Mahsehwar Singh, Shri
Maheshwari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malaviya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Matang Singh, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Menon, Prof. M.G.K.
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri
Mohammed Afzal alias Meem Afzal, Shri
Mohanty, Shri Sarada
Mukherjee, Shri Samar
Nallasivan, Shri A.
Narayanasamy, Shri V.
Pachouri, Shri Suresh
Panda, Shrimati Ila
Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Girdhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri
Ramachandran, Shri S.K.T.
Ramji Lal, Shri
Rao, Shri Moturu Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Rajeshwar
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal
Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar Sambhajirao
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Dr. Naunihal
Singh, Shri Shiv Charan
Singh, Shri Vishvjit P.

Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Som Pal, Shri
Sreedharan, Shri Arangil
Surjewala, Shri S. S.
Sushma Swaraj, Shrimati
Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadava, Shri Bal Ram Singh
Yonggam, Shri Nyodek

NOES—6

— Ganesan, Shri Misa R.

— Gopalsamy, Shri V.

Kiruttinan, Shri Pasumpon Tha.

Raju, Shri J. S.

Veerappan, Shri K. K.

Vinkatraman, Shri Tindivanam G.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 was added to the Bill.

MR. CHAIRMAN: Now we take up claust 3. The question is:

"That clause 3 stand part of the Bill."

The House divided.

MR. CHAIRMAN: Ayes ... 152

Noes ... 6

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi
Baby, Shri M. A.
Bakht, Shri Sikander
Balanandan, Shri E.
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bhandare, Shri Murlidhar Chandrakant
Bhandari, Shri Ram Deo
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labshanker
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaturvedi, Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh
Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreswar
Goswami, Shri Ramnarayan
Gujral, Shri Inder Kumar

Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Hiphel, Shri
Iqbal, Singh, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jagmohan, Shri
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K.
Judev, Shri Dilip Singh
Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohindar Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shru Muhammad Masood
Khaparde, Miss Saroj
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.
Lenka, Shri Kanhu Charan
Madni, Maulana Asad
Mahajan, Shri Pramod
Mahsehwar Singh, Shri
Maheshwari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malavjya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Matang Singh, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Menon, Prof. M.G.K.
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri
Mohammed Afzal alias Meem Afzal, Shri
Mohanty, Shri Sarada
Mukherjee, Shri Samar
Nallasivan, Shri A.
Narayanasamy, Shri V.
Pachouri, Shri Surseh
Panda, Shrimati Ila
Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Giridhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri
Ramachandran, Shri S.K.T.
Ramji Lal, Shri
Rao, Shri Moturu Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Rajeshwar
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal
Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sen, Shri Sukomal

Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar Sambhajirao
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Dr. Naunihal
Singh, Shri Shiv Charan
Singh, Shri Vishvjit P.
Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Som Pal, Shri
Sreedharan, Shri Arangil
Surjewala, Shri S. S.
Sushma Swaraj, Shrimati
Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadava, Shri Bal Ram Singh
Yonggam, Shri Nyodek

NOES—6

Ganesan, Shri Mira R.
Gopalsamy, Shri V.
Kiruttinan, Shri Pasumpon Tha.
Raju, Shri J. S.
Veerappan, Shri K. K.
Venkatraman, Shri Tindivanam G.

The motion was carried by a majority of the total mebership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 3 was added to the Bill.

MR. CHAIRMAN: Now we take up clause 4. There is one amendment by Shri V. Gopalsamy.

Clause 4—Addition of Twelfth Schedule.

SHRI V. GOPALSAMY: Sir, I move:

"That at pages 9-10, Clause 4 be *deleted.*"

The question was not put and the motion was negatived.

MR. CHAIRMAN: The question is:

"That clause 4 stand part of the Bill."

The House divided.

MR. CHAIRMAN: Ayes ... 152
Noes ... 6

AYES-152

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi
Baby, Shri M. A.
Bakht, Shri Sikander
Balanandan, Shri E.
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bhandare, Shri Murlidhar Chandrakant
Bhandari, Shri Ram Deo
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaturvedi Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh

Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreswar
Goswami, Shri Ramnarayan
Gujral, Shri Inder Kumar
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri
Iqbal Singh, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jagmohan, Shri
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K.
Judev, Shri Dilip Singh
Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohinder Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shri Muhammad Masood
Khaparde, Miss Saroj
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.
Lenka, Shri Kanhu Charan
Madni, Maulana Asad
Mahajan, Shri Pramod
Maheshwar Singh, Shri
Maheshwari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malaviya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Matang Sing, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Menon, Prof. M. G. K.
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri
Mohammed Afzal Alias Meem Afzal Shri
Mohanty, Shri Sarada
Mukherjee, Shri Samar
Nallasivan, Shri A.
Narayanasamy, Shri V.
Pachouri, Shri Suresh
Pande, Shrimati Ila
Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Giridhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri
Ramachandran, Shri S. K. T.
Ramji Lal, Shri
Rao, Shri Moturu Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Rajeshwar

Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal
Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar Sambhajirao
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Dr. Naunihal
Singh, Shri Shiv Charan
Singh, Shri Vishvjit P.
Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Som Pal, Shri
Sreedharan, Shri Arangil
Surjewala, Shri S. S.
Sushma Swaraj, Shrimati
Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadava, Shri Bal Ram Singh
Yonggam, Shri Nyodek

Noes — 6

—Ganesan Shri Misa R.
— Gopalsamy, Shri V.
— Kiruttinan, Shri Pasumpon Tha.
— Raju, Shri J. S.
— Veerappan, Shri K. K.
— Venkatraman, Shri Tindivanam G.

The motion was carried by a majority of the total membership of the House and by a majority not less than two-thirds of the Members present and voting.

Clause 4 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The House divided

MR. CHAIRMAN:

Ayes .. 152

Noes .. 6

Ayes — 152

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi
Baby, Shri M. A.
Bakht, Shri Sikander
Balanandan, Shri E.
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bhandare, Shri Murlidhar Chandrakant
Bhandari, Shri Ram Deo
Bhardwaj, Shri Hansraj

Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaturvedi, Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh
Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreswar
Goswami, Shri Ramnarayan
Gujral, Shri Inder Kumar
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri
Iqbal, Singh, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jagmohan, Shri
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K.
Judev, Shri Dilip Singh
Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohinder Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shri Muhammad Masood
Khaparde, Miss Saroj
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.
Lenka, Shri Kanhu Charan
Madni, Maulana Asad
Mahajan, Shri Pramod
Maheshwar Singh, Shri
Maheshwari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malaviya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Matang Sing, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Menon, Prof. M.G.K.
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri
Mohammed Afzal alias Meem Afzal Shri
Mohanty, Shri Sarada
Mukherjee, Shri Samar
Nallasivan, Shri A.
Narayanasamy, Shri V.
Pachouri, Shri Suresh
Panda, Shrimati Ila
Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Giridhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri

Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri
Ramachandran, Shri S. K. T.
Ramji Lal, Shri
Rao, Shri Moturu Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Rajeshwar
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal
Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar Sambhajirao
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Dr. Naunihal
Singh, Shri Shiv Charan
Singh, Shri Vishvjit P.
Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Som Pal, Shri
Sreedharan, Shri Arangil
Surjewala, Shri S. S.
Sushma Swaraj, Shrimati
Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadava, Shri Bal Ram Singh
Yonggam, Shri Nyodek

Noes — 6

— Ganesan, Shri Misa—R.
— Gopalsamy, Shri V.
— Kiruttinan, Shri Pasumpon Tha.
— Raju, Shri J.S.
— Veerappan, Shri K. K.
— Venkatraman, Shri Tindivanam G.

The motion was carried by a majority of the total membership of the House and by majority not less than two-thirds of the Members present and voting.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRIMATI SHEILA KAUL: Sir, I move:

"That the Bill be passed."

The House divided.

MR. CHAIRMAN: Ayes ... 152
Noes ... 6

AYES—152

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Antony, Shri A. K.
Azad, Shri Ghulam Nabi
Baby, Shri M. A.
Bakht, Shri Sikander
Balanandan, Shri E.
Barongpa, Shri Sushil
Basu Ray, Shri Sunil

Bhandare, Shri Murlidhar Chandrakant
Bhandari, Shri Ram Deo
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaturvedi, Shri Triloki Nath
Chavan, Shri S. B.
Chowdhry, Hari Singh
Dard, Shri Jagir Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Giri Prasad, Shri N.
Gohain, Shri Bhadreswar
Goswami, Shri Ramnarayan
Gujral, Shri Inder Kumar
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri
Iqbal, Singh, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jagmohan, Shri
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jayadevappa, Shri K. R.
Jogi, Shri Ajit P. K.
Judev, Shri Dilip Singh
Kailashpati, Shrimati
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kalyan, Shri Mohinder Singh
Kataria, Shri Virendra
Kesri, Shri Sitaram
Khan, Shri Muhammad Masood
Khaparde, Miss Saroj
Kore, Shri Prabhakar B.
Korwar, Shri Gundappa
Krishnan, Shri G. Y.
Lenka, Shri Kanhu Charan
Madni, Maulana Asad
Mahajan, Shri Pramod
Maheshwar Singh, Shri
Maheshwari, Shrimati Sarala
Majumdar, Shri Sudhir Ranjan
Majumdar, Shri Tara Charan
Malaivya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Matang, Singh, Shri
Mathur, Shri Jagdish Prasad
Matto, Shri Ghulam Rasool
Md. Salim, Shri
Meena, Shri Moolchand
Menon, Prof. M.G.K.
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri
Mohammed Afzal Alias Meem Afzal, Shri
Mohanty, Shri Sarada
Mukherjee, Shri Samar
Nallasivan, Shri A.
Narayanasamy, Shri V.
Pachouri, Shri Suresh
Panda, Shrimati Ila
Pande, Shri Bishambhar Nath
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Shivajirao Giridhar
Pillai, Shri Ramachandran
Pillai, Shri Thennala Balakrishna

Poddar, Dr. R. K.
Pradhan, Shri Satish
Pragada Kotaiah, Shri
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rajgopal, Shri O.
Ram Ratan Ram, Shri
Ramachandran, Shri S. K. T.
Ramji Lal, Shri
Rao, Shri Moturu Hanumantha
Rao, Shri V. Hanumantha
Rao, Shri V. Rajeshwar
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Shri S. Jaipal
Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Sanjaya Sinh, Dr.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidanana, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Krishan Lal
Sharma, Shri Venod
Shastri, Shri Vishnu Kant
Shinde, Shri Sushilkumar Sambhajirao
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Dr. Naunihal
Singh, Shri Shiv Charan
Singh, Shri Vishvjit P.
Singh, Shri W. Kulabidhu
Singla, Shri Surinder Kumar
Sinha, Shrimati Kamla
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Sreedharan, Shri Arangil
Sreedhamon, Sshri Arangil
Som Pal, Shri
Surjewala, Shri S. S.
Sushma Swaraj, Shrimati
Thakur, Shri Rameshwar
Trivedi, Shri Dineshbhai
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadava, Shri Baj Ram Singh
Yonggam, Shri Nyodek

NOES—6

Ganesan, Shri Mira R.
Gopalsamy, Shri V.
Kiruttinan, Shri Pasumpon Tha.
Raju, Shri J. S.
Veerappan, Shri K. K.
Venkatraman, Shri Tindivanam G.

The motion was carried by a majority of the total membership of the House and by a majority not less than two-thirds of the members present and voting.

The motion was adopted.

MESSAGE FROM THE LOK SABHA

The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 1992

THE SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 1992, as passed by Lok Sabha at its sitting held on the 23rd December, 1992."

Sir, I lay a copy of the Bill on the Table.